

against white voters. This case was brought against a county in Mississippi, a State with a long and ugly history of discrimination against African Americans in voting.

As Congress begins to consider reauthorization of the important Voting Rights Act, I urge Mr. Kim to take a hard look at the work of the Civil Rights Division's Voting Section and those who supervise it. The Voting Section has done an effective job enforcing voting rights on behalf of language minorities, but not, in the opinion of many, on behalf of racial minorities.

Another area of concern is the productivity and management of the Civil Rights Division's Appellate Section. This section has been spending more time lately deporting illegal immigrants than enforcing civil rights. According to data provided by Mr. Kim, 62 percent of the briefs filed by the Civil Rights Division's Appellate Section in FY 2005 involved defending the government's decision to deport illegal immigrants. Nearly 40 percent of attorney hours in the Civil Rights Division's Appellate Section were devoted to this work, according to Mr. Kim. These numbers are troubling and unacceptable.

I am also concerned about the overall decline in civil rights appellate enforcement by the Civil Rights Division. According to Mr. Kim, during the first 5 years of the Bush administration, the Justice Department filed an annual average of 80 civil rights appellate briefs. By contrast, during the last 5 years of the Clinton administration, the Justice Department filed an annual average of 122 civil rights appellate briefs. In other words, there has been a 34 percent decline in civil rights appellate filings from the Clinton administration to the Bush administration. And there was a 73 percent drop in civil rights appellate amicus filings between 1999 and 2004. These are disturbing trends and I urge Mr. Kim to address them.

The Bush administration has also created a serious morale problem within the career ranks of the Civil Rights Division. Several media reports have elaborated on this problem, most recently a September 2005 Legal Affairs article entitled "An Uncivil Division" by a former high-ranking career official in the Civil Rights Division, William Yeomans. His article indicates that morale problems have largely been caused by heavy-handed tactics used by Civil Rights Division political appointees in making personnel decisions, communicating with career attorneys, and setting civil rights enforcement priorities.

During the nomination hearing of Alberto Gonzales to be Attorney General earlier this year, Senator DEWINE asked Mr. Gonzales what he would want to be remembered for as Attorney General. Mr. Gonzales said he wanted to be remembered first for fighting the war on terror, and second for protecting civil rights and voting rights.

I hope Attorney General Gonzales will do a better job of fulfilling his

pledge to protect the civil rights and voting rights of all Americans, and I urge Wan Kim to play a leading role in accomplishing this mission.

LEGISLATIVE SESSION

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

ORDERS FOR MONDAY, NOVEMBER 7, 2005

Mr. WARNER. Now, Mr. President, in order to bring to conclusion today's session, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 1 p.m. on Monday, November 7. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business until 2 p.m., with the time equally divided between the majority and minority. I further ask consent that at 2 p.m. the Senate resume consideration of S. 1042, the Defense authorization bill, as under the previous order.

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

PROGRAM

Mr. WARNER. Mr. President, next week, the Senate will resume consideration of the Department of Defense authorization bill. The order provides for up to 12 relevant first-degree amendments on each side, with a limited amount of time for debate. The bill managers have made some progress today on the amendment process, and we will have at least one vote on an amendment on the Defense bill on Monday evening, at approximately 5:30 p.m. Senators should plan their schedules accordingly.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 7, 2005, AT 1 P.M.

Mr. WARNER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:54 p.m., adjourned until Monday, November 7, 2005, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate November 4, 2005:

IN THE AIR FORCE

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 LARITA A. ARAGON, 0000
BRIGADIER GENERAL TOD M. BUNTING, 0000
BRIGADIER GENERAL CRAIG E. CAMPBELL, 0000

BRIGADIER GENERAL WILLIAM R. COTNEY, 0000
BRIGADIER GENERAL R. ANTHONY HAYNES, 0000
BRIGADIER GENERAL CHARLES V. ICKES II, 0000
BRIGADIER GENERAL ROBERT A. KNAUFF, 0000
BRIGADIER GENERAL JAMES R. MARSHALL, 0000
BRIGADIER GENERAL TERRY L. SCHERLING, 0000
BRIGADIER GENERAL MICHAEL J. SHIRA, 0000
BRIGADIER GENERAL EMMETT R. TITSHAW, JR., 0000

To be brigadier general

COLONEL DAVID S. ANGLE, 0000
COLONEL THOMAS M. BOTCHIE, 0000
COLONEL RICHARD W. BURRIS, 0000
COLONEL GARRY C. DEAN, 0000
COLONEL MICHAEL J. DORNBUH, 0000
COLONEL KATHLEEN E. FICK, 0000
COLONEL EDWARD R. FLORA, 0000
COLONEL JAMES H. GWIN, 0000
COLONEL SCOTT B. HARRISON, 0000
COLONEL DAVID M. HOPPER, 0000
COLONEL HOWARD P. HUNT III, 0000
COLONEL CYNTHIA N. KIRKLAND, 0000
COLONEL JOHN M. MOTLEY, JR., 0000
COLONEL GERALD C. OLESEN, 0000
COLONEL ALAN W. PALMER, 0000
COLONEL MICHAEL L. PEPLINSKI, 0000
COLONEL ESTHER A. RADA, 0000
COLONEL ALEX D. ROBERTS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL GREGORY A. BISCONI, 0000
COLONEL EDWARD L. BOLTON, JR., 0000
COLONEL JOSEPH D. BROWN IV, 0000
COLONEL GREGORY L. BRUNDTIDGE, 0000
COLONEL TIMOTHY A. BYERS, 0000
COLONEL MICHAEL W. CALLAN, 0000
COLONEL DANIEL R. EAGLE, 0000
COLONEL DANIEL S. FADOK, 0000
COLONEL CRAIG A. FRANKL, 0000
COLONEL DAVID G. GOLDFEIN, 0000
COLONEL FRANCIS L. HENDRICKS, 0000
COLONEL JOHN W. HESTERMAN III, 0000
COLONEL JAMES W. HYATT, 0000
COLONEL JOHN E. HYTEN, 0000
COLONEL MICHELLE D. JOHNSON, 0000
COLONEL RICHARD C. JOHNSTON, 0000
COLONEL JOSEPH A. LANNI, 0000
COLONEL KENNETH D. MERCHANT, 0000
COLONEL MICHAEL R. MELLER, 0000
COLONEL HARRY D. POLUMBO, 0000
COLONEL JOHN D. POSNER, 0000
COLONEL JAMES O. POSS, 0000
COLONEL MARK F. RAMSAY, 0000
COLONEL MARK O. SCHSSLER, 0000
COLONEL CHARLES K. SHUGG, 0000
COLONEL MARVIN T. SMOOT, JR., 0000
COLONEL ALFRED J. STEWART, 0000
COLONEL EVERETT H. THOMAS, 0000
COLONEL WILLIAM W. UHLE, JR., 0000
COLONEL DARTANIAN WARR, 0000
COLONEL BRETT T. WILLIAMS, 0000
COLONEL TOD D. WOLTERS, 0000

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES 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

BRIGADIER GENERAL ROBERT P. FRENCH, 0000
BRIGADIER GENERAL DONALD J. GOLDBORN, 0000
BRIGADIER GENERAL RICHARD B. MOORHEAD, 0000
BRIGADIER GENERAL MARVIN W. PIERSON, 0000
BRIGADIER GENERAL STEWART A. REEVE, 0000
BRIGADIER GENERAL RANDALL E. SAYRE, 0000
BRIGADIER GENERAL THEODORE G. SHUEY, JR., 0000
BRIGADIER GENERAL THOMAS L. SINCLAIR, 0000
BRIGADIER GENERAL DAVID A. SPRYNCZYNYATYK, 0000
BRIGADIER GENERAL STEPHEN F. VILLACORTA, 0000
BRIGADIER GENERAL GREGORY L. WAYT, 0000
BRIGADIER GENERAL JOHN J. WEEDEN, 0000
BRIGADIER GENERAL DEBORAH C. WHEELING, 0000

To be brigadier general

COLONEL RICKY G. ADAMS, 0000
COLONEL STEPHEN E. BOGLE, 0000
COLONEL BRENT M. BOYLES, 0000
COLONEL STEPHEN C. BURRITT, 0000
COLONEL ANDREW C. BURTON, 0000
COLONEL CAMERON A. CRAWFORD, 0000
COLONEL JOSEPH G. DEPAUL, 0000
COLONEL MARK C. DOW, 0000
COLONEL DOUGLAS B. EARHART, 0000
COLONEL WILLIAM L. ENYART, JR., 0000
COLONEL GLENN C. HAMMOND III, 0000
COLONEL DAVID L. HARRIS, 0000
COLONEL ROBERT A. HARRIS, 0000
COLONEL GRANT L. HAYDEN, 0000
COLONEL JOHN W. HELTZEL, 0000
COLONEL LEODIS T. JENNINGS, 0000
COLONEL LARRY D. KAY, 0000
COLONEL JEFF W. MATSIS III, 0000
COLONEL WENDELL B. MCLAIN, 0000
COLONEL TIMOTHY S. PHILLIPS, 0000
COLONEL JANET E. PHIPPS, 0000
COLONEL STANLEY R. PUTNAM, 0000
COLONEL RONALD J. RANDAZZO, 0000
COLONEL JOSEPH M. RICHIE, 0000
COLONEL KING E. SIDWELL, 0000
COLONEL EUGENE A. STOCKTON, 0000

COLONEL TIMOTHY I. SULLIVAN, 0000
 COLONEL RICHARD E. SWAN, 0000
 COLONEL JAMES H. TROGDON III, 0000
 COLONEL JAMES D. TYRE, 0000
 COLONEL TERRY L. WILEY, 0000

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 brigadier general

COL. GUY L. SANDS-PINGOT, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MITCHELL L. BROWN, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

WALTER J. AUSTIN, 0000
 KAREN F. LIKINS, 0000
 KEITH C. SMITH, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, November 4, 2005:

DEPARTMENT OF STATE

JEFFREY THOMAS BERGNER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (LEGISLATIVE AFFAIRS).

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SHANA L. DALE, OF GEORGIA, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ORLANDO J. CABRERA, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

EXECUTIVE OFFICE OF THE PRESIDENT

KATHERINE BAICKER, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

MATTHEW SLAUGHTER, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF STATE

JAMES CALDWELL CASON, OF FLORIDA, TO BE AMBASSADOR TO THE REPUBLIC OF PARAGUAY.

DEPARTMENT OF JUSTICE

WAN J. KIM, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH DAVID K. ALMOND AND ENDING WITH JEFFREY SAINÉ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2005.

COAST GUARD NOMINATIONS BEGINNING WITH STEVEN J. ANDERSEN AND ENDING WITH VANN J. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2005.

COAST GUARD NOMINATION OF LOUVENIA A. MCMILLAN TO BE LIEUTENANT.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH JOHN W. HUMPHREY, JR. AND ENDING WITH MARK H. PICKETT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 29, 2005.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH MELISSA M. FORD AND ENDING WITH JAMIE S. WASSER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 28, 2005.