

(2) INELIGIBILITY FOR FUNDS.—A State that fails to implement the requirements of this section, shall not receive 25 percent of the funds that would otherwise be allocated to the State under section 20106(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13706(b)).

(3) REALLOCATION OF FUNDS.—Any funds that are not allocated for failure to comply with this section shall be reallocated to States that comply with this section.

The bill (S. 792), as amended, was read the third time and passed.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 6

Mr. FRIST. Mr. President, I ask unanimous consent that following the CAFTA vote, the Senate proceed to the conference report to accompany H.R. 6, the energy legislation; provided further that there be 3 hours equally divided between the chairman and ranking member or their designees. I further ask consent that following the use or yielding back of time, Senator FEINGOLD be recognized in order to raise a Budget Act point of order and that Senator DOMENICI or his designee be immediately recognized in order to make a motion to waive the respective point of order. I further ask consent that if the point of order is waived, the Senate then proceed immediately to a vote on the adoption of the conference report with no intervening action or debate.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I apologize for not raising this with the majority leader a second ago, but I would ask consent that this legislation be known as the Domenici Energy bill. I ask consent. I would ask that we do a correcting resolution, that it be done.

The PRESIDING OFFICER. Is there any objection?

Mr. FRIST. Mr. President, a quick review of what we have just done.

The PRESIDING OFFICER. For the purpose of clarification of the record—

Mr. REID. Mr. President, we will supply forthwith the text for the correcting resolution.

The PRESIDING OFFICER. Without objection, it is so ordered. The majority leader's request is agreed to.

Mr. FRIST. All right, Mr. President.

Mr. REID. Mr. President, will the Senator yield for just a second? I will be very brief. I know everybody is tired.

Senator DOMENICI kept his word on the Energy bill. It was very difficult. The conference was a real conference. They met until 3 o'clock in the morning. Senator DOMENICI has worked very hard on this bill. There are a lot of people who do not like the bill, but it is not because of him. He did everything he could to please Democrats and Republicans. So that is why the majority leader and I join in the request that

has just been granted regarding Senator DOMENICI.

Mr. FRIST. All right, Mr. President. The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. FRIST. Mr. President, within several minutes, we will start 20 minutes of debate on CAFTA, equally divided. We will have a rollcall vote. We will go to energy after that. We will complete debate on energy tonight. We will not have a further rollcall vote tonight after the CAFTA vote.

We will begin—and we will announce the time a little bit later as to the two votes on energy tomorrow, one on the point of order and one on the bill. Following that, we will be going to the amendments that have been outlined with the time agreements on guns. The highway bill we will expect at some point. I don't know when the House will finish with that, but we will deal appropriately with that after it arrives. Since energy arrived, we are going to energy first. That is the general outline. We have the unanimous consent agreements. I would recommend very soon we go to the CAFTA bill.

Mr. REID. Will the leader yield?

Mr. FRIST. Yes.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I would ask the distinguished majority leader: We are going to finish the debate on energy tonight?

Mr. FRIST. Right.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the Democratic time be allocated as follows: Senator SCHUMER, 10 minutes; Senator KERRY, 30 minutes; Senator WYDEN, 15 minutes; Senator BINGAMAN, 20 minutes; and whatever time is left over will be allocated to Senator BINGAMAN.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

Mr. CRAIG. Mr. President, will the leader yield for a question?

Mr. FRIST. Mr. President, I will be happy to yield.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank my leader for yielding.

So the two votes required on the energy conference report will occur after the leader's time tomorrow morning in morning business. Approximately at what time would those votes occur?

Mr. FRIST. Mr. President, through the Chair, in response, let me work out with the Democratic leader what time those votes will be.

Mr. CRAIG. Mr. President, I am assuming, then, immediately following those votes, we would be back on the gun liability bill, to complete the work under the UC of that legislation?

Mr. FRIST. Mr. President, or we could even be before. We could actually

come on those amendments before as well.

Mr. CRAIG. So that is yet to be determined?

Mr. FRIST. That is correct. We will determine that before we close down tonight.

Mr. CRAIG. I thank the leader.

Ms. MIKULSKI. Mr. President, today I rise on behalf of my constituents to oppose the Protection of Lawful Commerce in Arms Act. It should be called the Special Interest Protection Act because it puts one industry's bottomline ahead of the families and victims of gun violence. It also slams closed the courthouse door to those seeking justice for victims of gun violence.

Remember when—not so long ago—the citizens of Maryland, Virginia and the District of Columbia were terrorized by a sniper. Remember when 10 innocent people were killed while they were going about their daily routines, mowing the lawn or getting gas, shopping, and getting ready to drive a bus. Their families have experienced tremendous loss and the Nation mourned with them.

Now, Congress is considering legislation that inflict further pain on families like those of the sniper victims. This legislation will literally slam the courthouse door on the families of gun violence victims and on all Americans who believe they were harmed by negligent actions related to guns. It gives gun dealers and manufacturers a free pass. And it will prevent families and survivors from holding irresponsible gun stores accountable, if they are negligent. It actually would prohibit families from going to court, from letting a jury of their peers decide if the gun store or manufacturer was negligent.

If this legislation passes you could still go to court over a toy gun but not a real gun. That is wrong.

Let me tell you about one of these families who have been victimized by gun violence. Conrad Johnson was the sniper's last victim. Do you remember hearing the news that he was shot at a bus stop in Montgomery County? Killed by the sniper getting ready for his route.

He was beloved by his family, friends and community. Two thousand people attended his funeral.

He worked hard as a bus driver. He drove 35 miles before dawn every day for work. He was known for his friendly smile and can-do attitude.

And he loved his family—his Jamaican immigrant parents, his wife Denise—his high school sweetheart, his two sons and his big extended family. Over 30 members gathered at the hospital after he was shot. He was full of life. He was always finding ways to take care of his family and help his community. He was a volunteer coach for the boys and girls clubs of Fort Washington. He loved being a DJ for functions thrown by family and friends, and he was always washing the family car on the weekends.

Conrad Johnson was the snipers last victim. Conrad's family is one of many

Maryland families still grieving because of the snipers' reign of terror. Five Maryland families lost loved ones in the sniper's first 24 hours.

Today, I stand here for the rights of families like those of the sniper victims to have their day in court, the rights of families like James Martin's. James was shot when he stopped to buy groceries for his church program. Or James "Sonny" Buchanan's family. Sonny, a landscape architect, who was engaged to be married, was shot with one bullet as he worked early one morning. Or the wife, son, and daughter of Premkumar Walekar. He was a taxicab driver, shot that same morning as he went about his normal fill up routine at a local gas station on Aspen Hill Road. Or the husband and 7 year old son of Sarah Ramos, who was shot just 25 minutes later, as she sat on a bench waiting for a ride to her babysitting job. And the family of Lori Ann Lewis Ramos, shot just a short time later, as she stopped at a gas station to clean her car.

Today, I also stand here to protect all the victims who were and are severely injured by gun violence. They also deserve their day in court. There is the young boy who was a victim of the DC area sniper—Iran Brown, who was shot in the chest as he was dropped off at Benjamin Tasker Middle School in Bowie. Iran spent over a month in intensive care because of the gunshot to his chest or Rupinder "Benny" Oberoi, a young man who was shot in the back as he closed the store he worked at for the night. Benny needed 26 staples in his chest and extensive surgery to repair the damage caused by the bullet that pierced his back.

These families have been through so much. They can never recover that tremendous loss. We owe it to them to make sure families all over America who are like them can have their day in court.

That is why we need to oppose this legislation today.

Now, there has been a lot of talk about language was added to S. 397 to protect this case or that case. The U.S. Congress should not be in the business of deciding which negligence actions should be allowed into a court. That is up to the courts to decide. That is what our civil justice system is all about. It gives these families the right to offer evidence to prove the gun shop was negligent.

We need to reject this legislation and protect that right.

We need to ensure that the families of victims and the victims themselves, who have faced such unprecedented tragedy, are not victimized again by having the courthouse doors slammed on them.

We stood with law enforcement during the dark and dangerous days of the snipe; now today they stand with us. People feared for their lives. Thanks to the FBI, Bureau of Alcohol, Tobacco and Firearms, and local law enforcement they found the snipers. Thanks to

brilliant forensic work they traced the weapon. This legislation makes a mockery of everything law enforcement tried to do.

If this legislation passes, irresponsible dealers get off scot-free and victims of gun violence are left without the protection of our justice system. I believe families of victims of gun violence deserve their day in court, like the sniper victims' families had—like Conrad Johnson's family, and Sarah Ramos' family, and all the families.

They may not win their case, but they have the right to make their case. The courts should decide based on the facts and the evidence.

Let me be clear, I do not believe Congress should stand in the way by offering special protection, by offering blanket protections for the negligent actions of the gun dealers, sellers and manufacturers. It is my duty to my constituents to fight with them and to fight against passage of this bill. It would be irresponsible for the Congress not to allow these victims of terror to seek redress in the courts. Gun violence terrorizes our citizens and we owe them nothing less.

Mr. SANTORUM. Mr. President, I rise to express my support of S. 397, the Protection of Lawful Commerce Act introduced my colleague Senator CRAIG of Idaho.

The number of frivolous lawsuits against gun manufacturers has significantly increased in recent years. Since 1998, dozens of municipalities and cities have filed suit against America's firearm industry, falsely alleging that manufacturers are responsible for the unforeseen acts of criminals. Firearms manufacturers have already spent more than \$200 million in legal fees yet have not been found liable by a single court for the criminal misuse of their highly regulated products. Unfortunately, these lawsuits appear to be designed to impose a political agenda that 33 State legislatures have already rejected. Lawsuits against manufacturers who have nothing to do with the crime at hand thwart the will of the people by bypassing their elected representatives and attempting to impose novel legal theories by judicial fiat. Worse, these suits—even while unsuccessful—drain significant resources from these companies that are the backbone of supplying our military and police officers with the weapons to protect themselves on the job. We cannot allow this trend to continue.

S. 397 is a narrowly crafted bill that stops the lawsuit abuse, while continuing to hold those individuals and companies that knowingly violate the law liable for their actions. Specifically, the bill provides that lawsuits may not be brought against manufacturers and sellers of firearms or ammunition if the suits are based on criminal or unlawful use of the product by a third party. This bill provides carefully tailored protections that continue to allow legitimate suits based on knowing violations of Federal or State law

related to gun sales, or on traditional grounds including negligent entrustment, such as sales to a child or an obviously intoxicated person or breach of contract. The bill also allows product liability cases involving actual injuries caused by an improperly functioning firearm, as opposed to cases of intentional misuse.

Many of my constituents have raised concerns about frivolous lawsuits in the gun industry. Pennsylvania leads the Nation in the number of licensed deer hunters and ranks among the leaders in firearm hunters. There are nearly three million hunting licenses sold in Pennsylvania each year. Over one million hunters go out in the field each fall. These suits, by threatening the survival of firearms makers, threaten to end that outdoor tradition and the family time that often accompanies it.

The hard-working men and women in Pennsylvania who make up our labor unions also support S. 397. This should be no surprise, however, as working men and women recognize a threat to their jobs and their way of life when they see one. The numbers are telling. Pennsylvania has 227 companies involved in firearms manufacture. There are over 3,000 federally licensed firearms dealers. According to the National Shooting Sports Foundation, there are approximately 34,000 jobs and \$909 million in salaries and wages supported by those businesses and sportsmen in Pennsylvania. Additionally, these Pennsylvania sportsmen spend about \$2 billion in the State, generating approximately \$119 million in Pennsylvania State tax revenue.

Many families' lives are negatively impacted by these reckless lawsuits. While many of the personal tragedies behind these lawsuits are horrific, the individual responsible is—as it has always been in our system of justice—the criminal not the lawfully operating company. If a lawsuit is based on a defective firearm, a knowing violation of the law or the breach of a contract, that suit should proceed—and S. 397 would allow it to proceed. However, the frivolous suits with novel legal theories and invented liability have already cost jobs, including here in Pennsylvania, and they will cost more jobs if they continue. They will force company closures and they will close family businesses. Suing law-abiding gun makers and dealers for the acts of criminals is like suing automobile makers for the damage caused by reckless drivers. It is wrong and goes against the entrepreneurial and industrial spirit of this country.

I agree there is a need to reduce violent crime, and I share the concerns of gun control advocates with the number and severity of violent acts occurring within our Nation. During a June 13th field hearing of the Senate Judiciary Committee in Philadelphia, we learned about the many factors that contribute to the problem of youth violence including poverty, broken families, a

lack of mentors, and loose enforcement of current gun laws. I believe it is necessary to focus on the root causes of these problems rather than develop a policy that appears helpful on the surface. I have worked and continue to work on the issues of poverty, broken families and mentoring, however I believe that greater enforcement of existing gun laws is a key part of the solution to eradicating gun violence.

The program “Project Exile” is an example of how stricter enforcement of current laws can make a difference. For this reason, I have been involved in implementing Project Exile in Philadelphia. This program began in Richmond, VA, and has proven to be extremely successful in reducing gun crime by simply enforcing existing Federal gun laws. The program adopts a zero-tolerance policy for Federal gun crimes. Federal, State and local law enforcement and prosecutors work hand-in-hand to expedite prosecution of each and every Federal firearms violation under Project Exile. Thanks to Project Safe Neighborhoods and Project Exile, Federal prosecutions of firearms offenses have gone up 91 percent since 2000. Nationally, those prosecutions have jumped 76 percent in the same time period. That means that more criminals are serving hard time for breaking Federal gun laws. More criminals off the street means our citizens are safer. That is a much more effective way to fight crime than punishing innocent manufacturers through frivolous lawsuits.

I encourage my colleagues to support S. 397. Doing so will help an industry that is being unfairly targeted for violent crimes, and allow us to continue to focus on the real causes of violent crimes.

Mr. OBAMA. Mr. President, I rise today to speak about S. 397, the protection of lawful commerce in arms bill, also known as the gun liability immunity bill. Regardless of whether you support this bill or oppose this bill, I can certainly understand that the issue of gun liability is an important one.

But let me ask my colleagues: Is this really more important than all the other important issues before the Senate right now? With only a few days left before the August recess, is giving liability protection to gun manufacturers really more important than passing the Department of Defense authorization bill during a time of war? Even this bill's most vocal supporters could not make this argument with a straight face.

As I travel around my State of Illinois talking to constituents, I hear many concerns from them. They tell me about the lack of affordable health care, the quality of our Nation's schools, the rising cost of gasoline, and the war in Iraq. Parents worry about how the budget deficit will affect their children's future. Veterans complain about the long delays in applying for and receiving disability benefits and about the amount of those benefits.

My constituents have no shortage of suggestions and ideas for what Congress should be doing, but I can honestly say that none of them are saying, “Senator, please go back to Washington and make sure that gun companies aren't being sued by victims of gun violence.” I haven't heard that one yet.

And that is why I have chosen to speak on the floor today to—highlight the misplaced priorities of the Senate's leadership. Even though we have 139,000 troops fighting for our freedom in Iraq and a \$440 billion Defense bill that could help these troops, we are here debating gun liability instead of talking about how to strengthen our national defense.

That is regrettable, and that is one of the reasons why so many Americans are disillusioned with their Government. Because we are not focusing on the problems that truly matter to them. Because some are more interested in scoring political points, or catering to a special interest.

I believe—as do my Democratic colleagues—that the first priority of the Senate should be to provide for our men and women who are in harm's way. And that means spending the necessary time to debate the Defense bill. If that takes us the rest of the week—or even next week—then that is what we should do.

How can we go home to our constituents in August and tell them that we left Washington, DC without finishing a bill to help our military because we spent too much time protecting gun manufacturers? That is shameful.

I have talked to my colleagues on both sides of the aisle, and many of them were planning to offer good, commonsense, bipartisan amendments to the DOD bill—amendments that would have helped our military and strengthened our national defense. I also have filed several amendments that I would have offered, and I believe that many of my colleagues would have supported them as well.

One of my amendments would have protected members of the National Guard and Reserve against employment discrimination. This amendment is supported by the Reserve Officers Association and is cosponsored by Senator SALAZAR.

I have heard that there have been instances where prospective employers are reluctant to hire guard and reservists because of fears that these employees could be called up for extended tours of duty. These citizen-soldiers are getting through initial stages of interviews only to be summarily dropped from the process upon disclosing the fact that they are members of the Guard and Reserve.

My amendment would have gotten to the heart of this problem by preventing employers from forcing members of the Guard and Reserve to disclose their military service during the interview process. However, my amendment would not have prohibited them from

disclosing their military status if they thought it would be beneficial during an interview process.

But instead of helping members of the Guard and Reserve, we are talking about gun manufacturer liability. That is wrong.

Another amendment I would have offered relates to the medical records of our servicemembers.

For years, the Department of Defense and the Department of Veterans Affairs have attempted to modernize their medical records to create a two-way exchange of patient health data to better care for our Nation's service members. This would decrease costs and improve the flow of information when active members of the military leave the DOD system and move to the VA system. Greater use of technology would also reduce medical errors, which kill up to 98,000 people a year.

Unfortunately, the DOD has not managed to create a fully functional electronic medical records system. Last year, a GAO report found that one of the primary reasons for the delay in developing this system is the lack of congressional oversight.

My amendment would have helped provide some of that oversight. I wanted to get some answers from DOD on why this project is being delayed and how the Department is proceeding with this important project.

But debate over these amendments, and many others, is being silenced in favor of the one we are having now—about helping gun manufacturers.

This is why the American people are tired of what goes on in this town. Because there are real issues they sent us here to debate—real problems they expect us to solve. But even when we have a chance to do this—even when we have a defense bill where we could add amendments that could help our troops and care for our veterans—the Senate passes on that chance and heads directly into another fight singed with more politics and more ideology.

We can do better than that. We owe ourselves better—and we certainly owe the American people better.

I ask unanimous consent that an article from Army Times, criticizing the Senate leadership's decision to stop consideration of the DOD bill, be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Army Times, July 26, 2005]

SENATE DELAYS ACTION ON DEFENSE BILL

(By Rick Maze)

Senate Republican leaders decided Tuesday that a gun manufacturers' liability bill is more important than next year's \$441.6 billion defense authorization bill.

With Democrats expressing amazement that there could be any higher legislative priority in a time of war than the annual defense bill that includes money for pay and benefits, operations and maintenance, and weapons' purchases and research, Sen. Bill Frist of Tennessee, the Senate Republican leader, decided Tuesday that a bill protecting gun manufacturers from lawsuits

over the illegal use of firearms was a higher priority.

The decision came after Republican leaders failed to muster the 60 votes needed to prevent amendments not strictly related to the defense budget from being offered to the defense bill.

In a count of 50-48, seven Republicans joined Democrats in voting not to restrict debate, a move that Democratic leaders said would have prevented consideration of amendments to help veterans and survivors of deceased service members, along with other issues.

With Congress planning to leave town Friday for one-month break, debate on S. 397, Protection of Lawful Commerce in Arms Act, is expected to last two or three days, and then Senate leaders plan to take up an energy bill, an estate tax reform bill and an Interior Department funding bill that has a \$1.5 billion bailout attached for veterans' health care programs, leaving no time until September to get back to the defense bill.

The House approved its version of the defense bill in May and has been waiting for the Senate to catch up to begin negotiations with the Bush administration on a final version.

Delay in the Senate is partly a result of senators spending three weeks this spring debating federal judicial nominations before reaching a compromise on President Bush's nominees.

It all points toward a difficult autumn. When the Senate returns in September from its month-long summer recess, it will need to consider recommendations of the Defense Base Closure and Realignment Commission, due to finish its work by Sept. 8, and begin deliberations on the nomination of John Roberts to the Supreme Court vacancy left by retiring Justice Sandra Day O'Connor.

N O T I C E

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued Book II.

ORDERS FOR FRIDAY, JULY 29, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. on Friday, July 29; I further ask 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 the consideration of the conference report to accompany H.R. 2361, the Interior appropriations bill, as under the previous order. I further ask that following the use or yielding back of the time on the Interior conference report, it be temporarily set aside and the Senate proceed to the conference report to accompany H.R. 2985, the Legislative Branch appropriations bill, as under the previous order.

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

Mr. FRIST. I further ask unanimous consent that the Senate then resume consideration of the Energy conference report and there be 30 minutes equally divided for closing remarks between the chairman and ranking member or their designees with all of the provisions of the previous consent remaining.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will complete consideration of the conference reports to accompany the Interior appropriations bill, the Legislative Branch appropriations bill, the Energy bill, and the highway bill. The Senate will also complete action on the gun liability bill with an agreement that was reached this evening. As my colleagues can see, we will have a very busy day tomorrow with rollcall votes throughout. We should be able to complete our business tomorrow. I expect that we will. Again, it will be a very busy day. Senators should remain close to the Chamber throughout the day so that we can proceed in an or-

derly way for what could be up to 13 votes during tomorrow's session.

A PRODUCTIVE SEVERAL MONTHS

Mr. FRIST. Mr. President, we will be closing tomorrow afternoon, hopefully not too late in the afternoon. This has been a very productive several months. If you look back and reflect upon the issues that have been discussed and the bills that have been passed, there have been many. We are governing in a way that meets the expectations of the American people, governing with meaningful solutions to their everyday problems. We passed a budget which was the fifth fastest in history. We passed a bankruptcy bill, a class action reform bill to rid frivolous lawsuits. We had six circuit court nominations, judges that had been either filibustered or threatened to be filibustered in the past. Now we will continue all of that work tomorrow with an Energy bill, a highway bill, a gun liability bill, a legislative conference report, and the Interior conference report. So it has been a very productive Congress and one that we will continue to work very aggressively on as we come back after the recess.

CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H. Con. Res. 225, the adjournment resolution; provided that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 225) was agreed to, as follows:

H. CON. RES. 225

Resolved by the House of Representatives (the Senate concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on

the legislative day of Thursday, July 28, 2005, Friday, July 29, 2005, or Saturday, July 30, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 6, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, July 29, 2005, through Friday, August 5, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 6, 2005, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. FRIST. 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 10:57 p.m., adjourned until Friday, July 29, 2005, at 9 a.m.

DISCHARGED NOMINATIONS

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nominations and the nominations were confirmed:

THOMAS A. FUENTES, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005.

BERNICE PHILLIPS, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005.

KEVIN F. SULLIVAN, OF NEW YORK, TO BE ASSISTANT SECRETARY FOR COMMUNICATIONS AND OUTREACH, DEPARTMENT OF EDUCATION.

HENRY LOUIS JOHNSON, OF MISSISSIPPI, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION.