

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Dorrance Smith to be Assistant Secretary of Defense.

Bill Frist, Lamar Alexander, Mike Crapo, Jim Bunning, Richard Burr, Wayne Allard, Johnny Isakson, Richard Shelby, Craig Thomas, Ted Stevens, David Vitter, James Inhofe, Chuck Hagel, Norm Coleman, Mike DeWine, R.F. Bennett, John Thune.

NOMINATION OF PETER CYRIL WYCHE FLORY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Peter Cyril Wyche Flory, of Virginia, to be an Assistant Secretary of Defense.

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Peter Cyril Wyche Flory to be an Assistant Secretary of Defense.

Bill Frist, Lamar Alexander, Mike Crapo, Jim Bunning, Richard Burr, Wayne Allard, Johnny Isakson, Richard Shelby, Craig Thomas, Ted Stevens, David Vitter, James Inhofe, Chuck Hagel, Norm Coleman, Mike DeWine, Robert F. Bennett, John Thune.

Mr. FRIST. Mr. President, for clarification, I just filed cloture on four defense nominations that have been pending since last year.

LEGISLATIVE SESSION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

REMEMBERING MARGO CARLISLE

Mr. COCHRAN. Mr. President, yesterday was a sad day for me because it

was the day when friends and family of Margo Carlisle, my former chief of staff, gathered to bid her farewell.

Margo worked faithfully in a number of positions of responsibility here in the Senate. She was the first female staff director of the Senate Republican Conference, under the chairmanship of former Senator Jim McClure of Idaho. She was my chief of staff from 1991 to 1997. All who worked with her here know of her respect and appreciation for the Senate, and her conscientious devotion to our great country.

She served as Assistant Secretary of Defense for Legislative Affairs from 1986 to 1989, and at that time, she was one of the highest ranking women in the Department of Defense. She received the Distinguished Public Service Medal in recognition of her outstanding performance of duty in this important office.

She also served as vice president of the Heritage Foundation, president of the Philadelphia Society, and was a member of the board of the Marine Corps University in Quantico and the Washington Home Hospice.

She is survived by her husband of 45 years, Miles; and two children, Mary "Nisi" Hamilton of Bethesda and Tristram Coffin Carlisle of Alexandria. We extend to them our sincerest condolences.

THE OIL AND GAS INDUSTRY ANTITRUST ACT OF 2006

Mr. LEAHY. Mr. President, I am proud to join with Senators SPECTER, KOHL, DEWINE and others on a new bill, the Oil and Gas Industry Antitrust Act of 2006, which includes, as its centerpiece, our NOPEC legislation, which many of us have worked together on for years.

This measure—The No Oil Producing And Exporting Cartels Act, NOPEC—would make OPEC accountable for its anticompetitive behavior and allow the Justice Department to crack down on illegal price manipulation by oil cartels. It will allow the Federal Government to take legal action against any foreign state, including members of OPEC, for price fixing and other anticompetitive activities. The tools this bill would provide to law enforcement agencies are necessary to immediately counter OPEC's anticompetitive practices, and these tools would help reduce gasoline prices now.

The Congress should pass this measure immediately instead of waiting until the price of gasoline at the pump is \$4 a gallon. OPEC has America over a barrel, and we should fight back. If OPEC were simply a foreign business engaged in this type of behavior, it would already be subject to American antitrust law. It is wrong to let OPEC producers off the hook just because their anticompetitive practices come with the seal of approval of this cartel's member nations.

It is time for the President to join the bipartisan majority in the Senate

which already said "NO" to OPEC by passing NOPEC and by sending it to the other body, where it was killed.

The Senate has already passed this bill, which would make OPEC subject to our antitrust laws. In fact, the Judiciary Committee has approved the NOPEC bill three times. Regrettably, even though President Bush promised in 2000 that he would "jawbone OPEC," the Bush administration and its friends in the House have scuttled the NOPEC bill and the direct and daily relief it would bring to millions of Americans.

In addition, this bill makes it unlawful to divert petroleum or natural gas products from their local market to a distant market with the primary intention of increasing prices or creating a shortage in a market. This solves a real problem where products are being shipped for sale in that market but are later diverted and sold for less in another market.

We have an obligation to address these and other issues caused by oil cartels and by greedy companies who have money—that they have extracted from the American people—to burn. That is why I am also pleased that the bill includes provisions to conduct several studies that address serious competition, information sharing, and other antitrust problem areas related to the oil and natural gas industries. The American people deserve answers, and this bill also provides a path to getting those answers.

Authorizing tough legal action against illegal oil price fixing, and taking that action without delay, is one thing we can do without additional obstruction or delay.

The artificial pricing scheme enforced by OPEC affects all of us, not the least of whom are hardworking Vermont farmers. The overall increase in fuel costs for an average Vermont farmer last year was 43 percent, meaning that each farmer is estimated to pay an additional \$700 in fuel surcharges in 2006 alone. Vermonters know what the terrible consequences of these high prices can be: forcing many farmers to make unfair choices between running their farms or heating their homes. No one should be forced to make these choices, certainly not our hard-working farmers.

In summary, this bill will provide law enforcement with the tools necessary to fight OPEC's anticompetitive practices immediately, and help reduce gasoline prices now. I urge my colleagues to support this bill, and to say "NO" to OPEC as we have done in the past.

NOMINATION OF MICHAEL A. CHAGARES

Mr. MENENDEZ. Mr. President, I rise in strong support of the nomination of Michael A. Chagares to be a Circuit Judge on the U.S. Court of Appeals for the Third Circuit.

It is an honor that another person from my home State of New Jersey has

been called to serve this Nation by the administration. The confirmation of a judge to a lifetime appointment is a vital responsibility given to this body by the Constitution and one that I take very seriously.

Mr. Chagares has been nominated to replace the current Secretary of Homeland Security, Michael Chertoff, on the Third Circuit. No matter one's political persuasion, we all take pride in the honor that has been bestowed on a fellow New Jerseyan.

Mr. Chagares is a New Jersey native who graduated from Gettysburg College and Seton Hall School of Law, with honors. Upon graduation, he clerked for Judge Greenberg on the Third Circuit. Over the past 15 years, Mr. Chagares has served the public with distinction in the U.S. Attorney's Office for the District of New Jersey and has also worked in private practice.

In addition, he is a popular Professor of both appellate advocacy and civil trial practice at Seton Hall. I believe this popularity is a testament to his ability to both convey the essence of the subject matter and do it in a way that excites a new generation of lawyers.

The American Bar Association has rated Mr. Chagares as "well qualified" for the position that he has been nominated. It is a view that I share as well.

I am pleased that see that people of his quality are willing to serve our Nation in the administration of justice, and join Senator LAUTENBERG in commending him to the Senate.

Mr. President, I urge my colleagues to support the nomination of Mr. Chagares to be a judge on our Nation's Third Circuit Court of Appeals.

ADDITIONAL STATEMENTS

TRIBUTE TO LEE HUMPHREY AND COREY BREWER

• Mr. ALEXANDER. Mr. President, the University of Tennessee, Belmont University, and the University of Memphis men's basketball teams all deserve congratulations for qualifying for the men's NCAA tournament this year. The Lady Vols made it to the Sweet Sixteen in women's basketball for the 25th consecutive time. None of those teams made it all the way to the championship, but two Tennesseans who play for the University of Florida did. I want to congratulate them, especially since one is from my hometown, Maryville.

Lee Humphrey was Tennessee's Class AAA Mr. Basketball when he attended Maryville High School. He is the school's all-time leader in points and steals. His dad, Tony, a middle school teacher in Maryville, had the key to the gym. And on many nights, Lee and his dad would go to the gym and while Lee took shots his dad rebounded. Apparently, the practice paid off. Dick Vitale said that Lee was the "X factor" in the Final Four. In the championship

game he scored 15 points, making 4 of 8 shots from the field. Coincidentally, the game was played in the current home stadium of Lee's boyhood idol, Peyton Manning.

Lee's teammate Corey Brewer from Portland, TN, was 1 of 24 seniors named nationwide as a 2004 McDonald's All-American player. He scored 29.4 points a game and averaged 12.8 rebounds his senior season at Portland High. He received a lot of honors that year, including being named grand marshal of Portland's Strawberry Festival. Corey has credited his success to hard work in practice and a childhood spent playing sports with his older brother Jason and Jason's friends. He is a role model who returns to Portland and talks to elementary school kids, urging them to study and warning about the dangers of drugs. He follows the lessons he learned from his mother, Glenda, a teacher.

Recruited for his tenacious defense as well as his scoring ability, Corey has been a big game player for the University of Florida all year. In the championship game, he scored 11 points and grabbed 7 rebounds to go along with 4 assists and 3 steals.

Mr. President, we Tennesseans are proud of our State's basketball teams. We want them to win. But we are also proud of our young scholar-athletes who play for other teams. They are Tennesseans, too, and we want them to know we are proud of their accomplishments. •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 5:06 p.m., a message from the House of Representatives, delivered by Mr. Croatt, one of its reading clerks, announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 81. Joint resolution providing for the appointment of Phillip Frost as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 82. Joint resolution providing for the reappointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 355. Concurrent resolution recognizing the benefits and importance of

school-based music education, and for other purposes.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 355. Concurrent resolution recognizing the benefits and importance of school-based music education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6264. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Internet Communications" ((11 CFR Parts 100, 110, and 114)(Notice 2006-8)) received on April 4, 2006; to the Committee on Rules and Administration.

EC-6265. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement and Report Concerning Advance Pricing Agreements" (Announcement 2006-22) received on April 4, 2006; to the Committee on Finance.

EC-6266. A communication from the Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting, a report of the Department's activities during Calendar Year 2005 pursuant to the Equal Credit Opportunity Act; to the Committee on the Judiciary.

EC-6267. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Exempt Anabolic Steroid Products" (RIN1117-AA98) received on April 4, 2006; to the Committee on the Judiciary.

EC-6268. A communication from the Director, Office of Management Programs, Civil Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Minimum Qualifications for Annuity Brokers in Connection With Structured Settlements Entered Into by the United States" (RIN1105-AA82) received on April 4, 2006; to the Committee on the Judiciary.

EC-6269. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Fiscal Year 2004 Superfund Five-Year Review Report to Congress; to the Committee on Environment and Public Works.

EC-6270. A communication from the Acting Director, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report that funding for the State of Oklahoma as a result of the emergency conditions resulting from the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005, and continuing, has exceeded \$5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC-6271. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report entitled "Audit of the Exchange Stabilization Fund's Fiscal Years 2005 and 2004 Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.