

Whereas Edward Roy Becker graduated Phi Beta Kappa from the University of Pennsylvania in 1954 and received his law degree from Yale Law School in 1957 with academic distinction;

Whereas, following his graduation from law school, Edward Roy Becker managed a distinguished law practice at the partnership of Becker, Becker, and Fryman with his father and brother-in-law;

Whereas Edward Roy Becker was active in politics, and followed his father as a Republican committeeman;

Whereas, at the age of 37, Edward Roy Becker was appointed to the United States District Court for the Eastern District of Pennsylvania in 1970, was then elevated to the Court of Appeals for the 3rd Circuit in 1982, was Chief Judge of the Court of Appeals for the 3rd Circuit from February 1998 until May 2003, and served as a Senior Judge until his passing on May 19, 2006;

Whereas, while serving as Chief Judge of the Court of Appeals for the 3rd Circuit, Edward Roy Becker authored many innovative and important opinions;

Whereas, in 2002, Edward Roy Becker received the coveted Edward J. Devitt Distinguished Service to Justice Award after being selected as the most distinguished Article III Judge in the United States "whose career has been exemplary, measured by [his] significant contributions to the administration of justice, the advancement of the rule of law, and the improvement of society as a whole";

Whereas, among his landmark decisions, the Supreme Court adopted 3 opinions rendered by Edward Roy Becker relating to cutting-edge issues, including the reliability of scientific evidence, the rationale of class action certification, and the standards of review relating to the Employee Retirement Income Security Act;

Whereas the University of Chicago Law Review has consistently recognized Edward Roy Becker as among the 3 circuit judges who are most often cited by the Supreme Court;

Whereas Edward Roy Becker handed down approximately 2,000 judicial opinions;

Whereas Edward Roy Becker devoted countless hours and a tremendous amount of effort for almost 3 years as an assistant to the Senate in drafting asbestos reform legislation, writing most of S. 852 (109th Congress) (commonly referred to as the "Fairness in Asbestos Injury Resolution Act of 2005"), and holding over 50 meetings in Washington, D.C., with stakeholders and Senators;

Whereas President George W. Bush inscribed a tribute to Edward Roy Becker on the face of S. 852 (109th Congress) by designating it as the "Becker Bill"; and

Whereas Edward Roy Becker undertook that arduous extra assignment in addition to his judicial duties, all while undergoing treatment for prostate cancer: Now, therefore, be it

*Resolved*, That the Senate—

(a) honors the life and accomplishments of Edward Roy Becker; and

(b) extends its condolences to the family and friends of Edward Roy Becker.

#### SIGNING AUTHORIZATION

Mr. FRIST. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader and the senior Senator from Virginia be authorized to sign duly enrolled bills or joint resolutions.

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

#### APPOINTMENT AUTHORIZATION

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

#### MEMORIAL DAY

Mr. FRIST. Mr. President, on May 30, 1868, mourners placed flowers on the graves of Union and Confederate soldiers at Arlington National Cemetery in Washington, DC. This marked the first observance of Memorial Day.

On Monday, America will continue this tradition by honoring our Nation's fallen soldiers in ceremonies across the country.

Ever since GEN George Washington defeated the British at Yorktown, American soldiers have honorably defended the cause of liberty in conflicts at home and, indeed, around the world.

Today, our men and women in uniform are bravely waging the war on terror, taking the battle to the enemy so that the enemy does not do battle here at home.

America thanks our soldiers for their dedication, for their determination, and for their patriotism. We honor the 25 million living veterans who have served their country in past wars with honor and courage. And we remember those patriots who have given the ultimate sacrifice in service to their country.

Two years ago, I had the privilege of attending the dedication of the National World War II Memorial. It was the largest gathering of surviving veterans in 60 years and an experience I will never forget. One of the veterans was asked how did they do it, how did ordinary young men set aside their fear in the face of extraordinary odds against determined enemies. The veteran replied simply:

There's nothing else you can do but do your best and keep firing until the ammunition runs out.

One of the inscriptions on the monument is a quote by President Truman. It embodies the patriotic spirit of this annual remembrance. It reads:

Our debt to the heroic men and valiant women in the service of our country can never be repaid. They have earned our undying gratitude. America will never forget their sacrifices.

So on Monday, we remember, we honor, and we respect America's heroes, the men and women who did their best, and we repay in small measure the debt we owe them for their service and their sacrifice.

#### 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: Nos. 443, 573, 590, 591, 592, 593, 595, 615, 629, 640, 664, 665, 615, 640, 666, 667, 668, 669, 671, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 694, 695, 696, 697, 698, 700, 701, 702, and 703 and all nominations on the Secretary's desk; provided further that the Commerce Committee be discharged from further consideration of four lists of Coast Guard nominations at the desk and the Senate proceed to their consideration; I further ask unanimous consent that the nominations be confirmed en bloc, the motions 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:

#### DEPARTMENT OF ENERGY

Edward F. Sproat III, of Pennsylvania, to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy.

Raymond L. Orbach, of California, to be Under Secretary for Science, Department of Energy. (New Position)

#### DEPARTMENT OF TRANSPORTATION

Roger Shane Karr, of the District of Columbia, to be an Assistant Secretary of Transportation.

Tyler D. Duvall, of Virginia, to be an Assistant Secretary of Transportation.

Nicole R. Nason, of Virginia, to be Administrator of the National Highway Traffic Safety Administration.

Thomas J. Barrett, of Alaska, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, Department of Transportation. (New Position)

#### FEDERAL COMMUNICATIONS COMMISSION

Robert M. McDowell, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2004.

#### DEPARTMENT OF TRANSPORTATION

Richard Capka, of Pennsylvania, to be Administrator of the Federal Highway Administration.

Susan Davis Wigenton, of New Jersey, to be United States District Judge for the District of New Jersey.

W. Ralph Basham, of Virginia, to be Commissioner of Customs, Department of Homeland Security.

#### DEPARTMENT OF HOMELAND SECURITY

David L. Norquist, of Virginia, to be Chief Financial Officer, Department of Homeland Security.

#### OFFICE OF GOVERNMENT ETHICS

Robert Irwin Cusick, Jr., of Kentucky, to be Director of the Office of Government Ethics for a term of five years.

#### EXECUTIVE OFFICE OF THE PRESIDENT

Robert J. Portman, of Ohio, to be Director of the Office of Management and Budget.

#### NUCLEAR REGULATORY COMMISSION

Gregory B. Jaczko, of the District of Columbia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2008.

Gregory B. Jaczko, of the District of Columbia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2008.

Peter B. Lyons, of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2009.

#### NUCLEAR REGULATORY COMMISSION

Dale Klein, of Texas, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2011.

#### DEPARTMENT OF STATE

Duane Acklie, of Nebraska, to be an Alternate Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations.

Goli Ameri, of Oregon, to be a Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations.

Robert C. O'Brien, of California, to be an Alternate Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations.

Rajkumar Chellaraj, of Texas, to be an Assistant Secretary of State (Administration).

Patricia P. Brister, of Louisiana, for the rank of Ambassador during her tenure of service as the Representative of the United States of America on the Commission on the Status of Women of the Economic and Social Council of the United Nations.

Warren W. Tichenor, of Texas, to be Representative of the United States of America to the Office of the United Nations and Other International Organizations in Geneva, with the rank of Ambassador.

Daniel S. Sullivan, of Alaska, to be an Assistant Secretary of State (Economic and Business Affairs).

Robert F. Godec, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia.

Mark C. Minton, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mongolia.

Michael D. Kirby, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Moldova.

Lisa Bobbie Schreiber Hughes, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Suriname.

David M. Robinson, of Connecticut, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Co-operative Republic of Guyana.

John A. Cloud, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lithuania.

Robert S. Ford, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Democratic Republic of Algeria.

Anne E. Derse, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Azerbaijan.

April H. Foley, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Hungary.

Tracey Ann Jacobson, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tajikistan.

Robert Anthony Bradtke, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia.

William B. Taylor, Jr., of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ukraine.

Michael Wood, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

#### NATIONAL INSTITUTE OF BUILDING SCIENCES

William Hardiman, of Michigan, to be a Member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 2006.

#### SECURITIES INVESTOR PROTECTION CORPORATION

Armando J. Bucelo, Jr., of Florida, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2008. (Reappointment)

Todd S. Farha, of Florida, to be a Director of the Securities Investor Protection Corporation for the remainder of the term expiring December 31, 2006.

Todd S. Farha, of Florida, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2009. (Reappointment)

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

John W. Cox, of Texas, to be Chief Financial Officer, Department of Housing and Urban Development.

#### DEPARTMENT OF JUSTICE

Gary D. Orton, of Nevada, to be United States Marshal for the District of Nevada for the term of four years.

Erik C. Peterson, of Wisconsin, to be United States Attorney for the Western District of Wisconsin for the term of four years.

#### GENERAL SERVICES ADMINISTRATION

Lurita Alexis Doan, of Virginia, to be Administrator of General Services.

#### DEPARTMENT OF HOMELAND SECURITY

R. David Paulison, of Florida, to be Under Secretary for Federal Emergency Management, Department of Homeland Security.

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK

##### FOREIGN SERVICE

PN1331 Foreign Service nominations (87) beginning Brent Royal Bohne, and ending William J. Booth, which nominations were received by the Senate and appeared in the Congressional Record of February 17, 2006.

PN1425 Foreign Service nominations (4) beginning Craig B. Allen, and ending Daniel D. DeVito, which nominations were received by the Senate and appeared in the Congressional Record of March 30, 2006.

PN1456 Foreign Service nominations (322) beginning Anita Katial, and ending Scott R. Reynolds, which nominations were received by the Senate and appeared in the Congressional Record of April 24, 2006.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

##### To be lieutenant

Christiaan H. Van Westendorp

##### To be ensign

Mary A. Barber  
Matthew P. Berg  
Christopher W. Daniels  
Matthew C. Davis  
Nathan P. Eldridge  
Francisco J. Fuenmayor  
Matthew Glazewski  
David M. Gothan  
Sarah A. T. Harris  
Meghan E. McGovern  
Damian M. Ray  
Lecia M. Salerno  
Raul Vasquez Del Mercado  
William G. Winner  
Victoria E. Zalewski

##### UNITED STATES COAST GUARD

##### To be lieutenant (junior grade)

Thea Iacomino

##### UNITED STATES COAST GUARD

##### To be commander

Max A. Caruso

##### To be lieutenant

Josh L. Bauer

##### UNITED STATES COAST GUARD

##### To be lieutenant (junior grade)

Mark Molavi

Andrew G. Schanno

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

#### ORDERS FOR MONDAY, JUNE 5, 2006

Mr. PRESIDENT. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of H. Con. Res. 418 until 2 p.m. on Monday, June 5. 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 then resume consideration of the motion to proceed to S. Res. 1, the marriage protection amendment.

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

#### PROGRAM

Mr. FRIST. Mr. President, today, we confirmed Brett Kavanaugh to the DC Circuit, we confirmed General Hayden as CIA Director, and we confirmed a former colleague, Dirk Kempthorne, as Secretary of the Interior. In addition, we were able to confirm several nominations by unanimous consent.

We have had a productive stretch in the last few weeks that we have been in session. Yesterday, we did pass the comprehensive immigration reform bill after a total of 4 weeks of good debate. Again, I congratulate the managers of the bill for their dedicated work in moving the bill along for passage. I congratulate Senators MCCAIN and KENNEDY, Senators MARTINEZ and HAGEL, and the entire Judiciary Committee which generated the bill, and all of my colleagues for their participation and active debate with amendments.

When we return from the Memorial Day recess, we will continue on the