

We can send the American people a new economic stimulus bill to help families make ends meet and strengthen an economy that has now lost jobs every month this year.

We can pass the Defense authorization bill that provides our military with the funds they need to keep our country safe. It takes care of those who serve us bravely with an across-the-board 3.9-percent military pay raise and major investments in the physical safety and mental health of our troops, not the least of which is attempting to rebuild the military which is in a state of distress because of the Iraq war.

We can pass a Military Construction/Veterans Affairs appropriations bill to maintain and upgrade military facilities, build better military family housing, and ensure the care our veterans deserve.

We can pass a Defense appropriations bill to keep our Armed Forces prepared for combat and peacetime missions, relieve the strain of constant 12- and now 15-month deployments, and support highly classified initiatives in the fight against terrorism.

With the Presidential election drawing near, our time will be short. But with new cooperation from our Republican colleagues, we can do all this—and pass several other important bipartisan bills already passed by the House of Representatives.

So I wish all my colleagues well in their August travels. I know we are all weary from the long, difficult work period.

I also know the fights that await our return won't be easy. I hope a month back home will give our Republican colleagues a new appreciation for how America needs badly the changes they have blocked.

Our hands remain outstretched. Our eagerness to seek common ground remains as strong as ever. We will fight if we must, but we would much rather dance.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

#### UNANIMOUS CONSENT AGREEMENT—S. RES. 624

Mr. REID. Mr. President, I ask unanimous consent that the Senate record

reflect the Senate adoption of Calendar No. 924, S. Res. 624, as reported by committee.

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

#### 50TH ANNIVERSARY OF THE CROSSING OF THE NORTH POLE BY THE USS "NAUTILUS"

Mr. DODD. Mr. President, I rise today, joined by my colleagues Senators LIEBERMAN, REED, and WHITEHOUSE, to mark the 50th anniversary of a momentous occasion in our Nation's maritime history, an occasion that truly launched the American Navy into the Nuclear Age. On August 3, 1958, the USS *Nautilus*, the world's first nuclear powered submarine, became the first vessel to travel under the North Pole. The intrepid crewmen of the *Nautilus* received a Presidential Unit Citation for their service, and Operation Sunshine, as it was called, provided a powerful boost to American morale following the Soviet launch of Sputnik. Today, we mark this important milestone with a resolution honoring the *Nautilus*'s historic feat.

The USS *Nautilus*'s Arctic voyage was a remarkable feat of American naval engineering, demonstrating the evolution of submarines from slow underwater ships to warships that could submerge for many weeks and travel through varied depths and conditions, maintaining travel speeds of 20-25 knots. Submarines, as was proven that day, would pursue unconventional courses to achieve incredible results, in this case, traveling a much shorter distance than was thought possible, to reach strategically important destinations on the other side of the globe.

But most important, it marked a major milestone for our nuclear Navy, which would lead to other developments, such as submarines powered by single pressurized water reactors, and an aircraft carrier, USS *Enterprise*, powered by eight reactor units in 1960.

While the *Nautilus*'s successful voyage was an inspiration to all America, it serves a particularly important point of pride to our submariners, as well as the engineers and shipbuilders of the Electric Boat Division of General Dynamics, who have built our Nation's nuclear submarines in Connecticut for more than four decades. As a young boy, I attended the launch of the USS *Nautilus* in Groton, CT; and had the honor to witness my late mother christening the USS *Stimson*. My first cousin, Bill McAree, was one of the chosen few to serve in the nuclear submarine force under Admiral Rickover, and for 34 years, I have had the distinct pleasure of representing the home State of our Nation's premier undersea warfare facilities, including Naval Submarine Base New London.

As we commemorate the 50th anniversary of this important voyage, we must also look forward to the future of American naval power. As nations around the world continue to enlarge

their own submarine fleets, the U.S. ability to travel freely and swiftly beneath the waves represents a critically important component of U.S. seapower. Today, our submarine fleet is contributing invaluable surveillance and reconnaissance to our warfighters, and providing an important platform for operations in what the Navy calls "the littorals," or coastal areas. Our military has no more stealthy means for delivering power than the submarine, carrying Navy SEAL teams to enemy territory undetected, or traveling to specific locations to launch cruise missiles. Submarines are not merely weapons of war, they are tools of statecraft, providing critical intelligence to policymakers and serving as a critical deterrent to promote stability throughout the globe. And it is submarines' demonstrated ability to traverse the world undetected, at any point in the ocean, even the North Pole, that makes the work of our silent service, our submariners, so critically important to our national security.

As we look back on the first 50 years of America's nuclear submarine program, the United States must be ready to continue the great legacy of the USS *Nautilus*, its crewmen, shipwrights, and designers, and remain in the forefront of submarine development.

#### COSPONSORSHIP—S. 3406

Mr. HATCH. Mr. President, through an oversight of our two offices we neglected to add Senator DOLE as an original cosponsor to this act when we introduced it last night. Senator DOLE is a leader on disability issues and should be commended for her and her husband's commitment to individuals with disabilities.

Mr. HARKIN. Mr. President, I want to apologize to the Senator from North Carolina for this oversight. Our legislation, S. 3406, enjoys broad support among advocates for individuals with disabilities, and I want everyone in that community to know that Senator DOLE intended to be an original cosponsor of this measure. We look forward to working closely with her and the rest of our colleagues to pass this measure when the Senate reconvenes in September.

#### RETIREMENT OF GENERAL RICHARD A. CODY

Mr. LEAHY. I rise to commend GEN Richard A. Cody, the Vice Chief of Staff of the Army, on his retirement. General Cody is one of the Nation's finest military officers, and, with a career that spans over 36 years in the Army, he leaves behind a stronger, more experienced, and more professional fighting force. Vermont is proud to call General Cody a native, and there is little doubt that his time growing up in our State capital, Montpelier, instilled in him a deep sense of loyalty and public service.

From the day of his commissioning to his last formal day in the service, General Cody made an indelible mark as an aviator, not just as an officer who could wield an Apache or Blackhawk with impressive precision and skill, but as a leader who inspired other aviators and maintainers to do their best. He competently led such prestigious and capable aviation units as the 160th Special Operations Regiment and the 101st Airborne Division. In the early stages of the first Gulf war, he headed up one of the earliest and strategically critical aerial attacks, paving the way for subsequent air and ground forces. He amassed an impressive 5,000 hours of flight time.

It was that quality to inspire and to lead through example that elevated General Cody to the higher ranks of the U.S. Army. His service as the Vice Chief of Staff has coincided with ongoing wars in Iraq and Afghanistan, and he has helped the Army restructure and reequip itself for that challenging undertaking. He has always been open about the Army's needs, clearly informing the service's civilian leaders, the media, and Congress about the tools necessary to carry out its missions. He has been involved in some vigorous debates in the Pentagon, out of which emerged sensible approaches to activation and equipping of the Reserves, including the National Guard. He always has in mind his view—built through that experience and knowledge—of what is best for the Army and the country. He is an articulate spokesperson and fierce advocate.

General Cody has always kept one foot in Vermont where his family has such strong roots, particularly around Montpelier where he was born and raised. Few in the State have not purchased a car at Cody Chevrolet, which is owned and operated by the General's family. He and his lovely wife Vicki have two proud sons, Capt. Clint Cody and Capt. Tyler Cody, both Apache pilots in the Army. His immediate family has had the chance to spend considerable time in the State, experiencing the deep patriotism that runs through the Green Mountains and the Champlain Valley. It was only fitting that Norwich University, the Nation's oldest military academy, recently honored General Cody.

General Cody has been open about the challenges that the Army faces. His forthright manner is matched only by the quiet energy he brings to tackling problems aggressively. He is the model Army officer, a doer as much as a thinker, a loyalist as much as someone speaking straight. As he retires, I know there are many in the Army, officers and enlisted, who will continue to strive to replicate the path that he blazed with such dynamic energy. I know he will continue to be engaged with the Army, and, for that—and, above all, that incredible 36 years of service—Vermont and the whole United States are grateful.

#### MEDICAL DEVICE SAFETY ACT

Mr. LEAHY. Mr. President, I am proud to join Senator KENNEDY and other Senators in the introduction of this legislation. The bill that we introduced yesterday will correct a decision of the Supreme Court that misconstrued the intent of Congress and cut off access to our Nation's courts for citizens injured or killed by defective medical devices.

The Senate Judiciary Committee held a hearing on June 11 to examine the way in which the Supreme Court's decisions in the areas of retirement benefits and consumer product safety have consistently trended against the rights of consumers and in favor of big business. In many cases that have profound effects on the lives of ordinary Americans, the Court has either ignored the intent of Congress, or sided with a Federal agency's flawed interpretation of a congressional statute's preemptive force to disadvantage consumers.

It is regrettable that an anonymous Republican Senator objected on procedural grounds to the committee completing that hearing. And it is disappointing that the same party that engages in so much partisan rhetoric complaining about activist judges refuses to hear about the judicial activism when it comes from the judges whose activism they embrace as sound judicial philosophy. The impact of the decisions that were the focus of that hearing are being felt by Americans today, whether they are prohibited from seeking redress in the courts for an injury caused by a defective product, or left without remedies to enforce rights granted by Congress relating to nondiscrimination, or retirement and health care benefits.

The bill we introduce today is an important step to correcting the Supreme Court's erroneous reading of Congress' intent in enacting the medical device amendments of 1976. Where the Court reaches to the extent it did in the Riegel decision to find Federal preemption contrary to what Congress intended, Congress is compelled to act. This legislation will make explicit that the preemption clause in the medical device amendments that the Court relied upon does not, and never was intended to preempt the common law claims of consumers injured by a federally approved medical device.

As I noted in the Judiciary Committee's recent hearing, many of the Court's decisions that have the most far reaching impact on Americans' wallets, retirement and health benefits, or access to justice, are the least publicized. But Americans should be deeply concerned when decisions of the Supreme Court override the policy judgments made by their elected representatives in Congress and negatively affect their day-to-day lives in significant ways. The extraordinary power to preempt State law and regulation lies with Congress alone. And as the Supreme Court has said on many occa-

sions, the fundamental inquiry into whether a Federal statute preempts State law is the intent of Congress. I hope the introduction of this legislation sends the strong signal that some Senators intend to hold the Court to its own often-repeated pronouncements about this important principle.

#### THE FEDERAL AVIATION ADMINISTRATION EMPLOYEE RETENTION ACT

Mr. INHOFE. Mr. President, I was pleased to join Senator LAUTENBERG yesterday in introducing S. 3416, The Federal Aviation Administration Employee Retention Act. I am supporting Senator LAUTENBERG in his efforts to correct what I believe is a very unfair process imposed upon employees of the Federal Aviation Administration, FAA, by Congress.

Essentially, S. 3416 will correct the collective bargaining process Congress established for FAA employees in the FAA Reauthorization Act of 1996—Public Law 104-264—in which we inserted ourselves as arbitrators in labor disputes. Under the 1996 act, if the FAA and the union with whom they are in negotiation can not reach an agreement, then Congress has 60 days to intervene and if we do not, the FAA is able to impose its terms on the employees. Mr. President, this is not fair, it has not worked and it is time that we correct it.

In addition to the widely published dispute between the FAA and the National Air Traffic Controllers Association, NATCA, the Professional Aviation Safety Specialists, PASS, also have been unable to negotiate a new contract with the FAA. Furthermore, in my State of Oklahoma, there has been an 8-year disagreement between the FAA and the FAA Academy Instructors represented by the Professional Association of Aeronautical Center Employees, PAACE. It is my understanding from PAACE that FAA has basically refused to come to the bargaining table, which has resulted in year to year extensions of an 8-year-old contract. This is not right.

The very reasonable procedure established by S. 3416 will provide both sides in a labor dispute with a means to resolve disagreements by allowing FAA employees the same collective bargaining protections that employees covered under the National Labor Relations Board currently have. The bill provides the option of resolving disputes through the Federal Mediation and Conciliation Service or through mutual agreement on an alternative procedure. If no agreement is reached, then matters of disagreements will be presented to the Federal Services Impasses Panel for binding arbitration.

Finally, the bill would require both sides go back to the negotiating table for any "personnel management system implemented" by the FAA Administrator on or after July 10, 2005. In