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Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Campbell Gillon, pastor emeritus of Georgetown Presbyterian Church in Washington, DC.

PRAYER

The guest Chaplain offered the following prayer:

Almighty God, well do we know that truth is the first casualty of war, yet through every sandstorm of spin or lie these truths stand—the dead are mourned, and we mourn them; the bereaved and suffering are prayed for and aided, and we pray for them; the motives of each side are clearly revealed either through their methods of atrocity and fear or in their actions of civilian-sparing strikes and humanitarian help.

O God of truth, hear our prayer. We live in a world where moral confusion is encouraged by some who wave the wishful wand of relativism and behold, nothing is truth or lie, good or evil. Thus is swallowed the tempter's ancient bait to be ''as gods''—setting rules that suit, obliterating those that don't, reducing all to a mere matter of opinion.

Thy word, O God, is still truth not opinion. Those who delight in thy law, as the first Psalm tells us, flourish like a fruitful tree. Their way is known to Thee. The evil are not so. Their path peters out.

Teach us, O Lord, that Thy very nature is the truth of things. Before Thee no lie can last. Show us that the proof of truth is its ultimate consequences in rejoicing, not regret; in the spirit's freedom, not in self-forged chains; in vision, not venality; in a purpose that enlarges life, not in soul-destroying cynicism.

O God, grant grace to this great Nation as it strives in a noble cause to bring liberty and may we all be blessed with desire for such truth as makes and keeps us free indeed. Let the lodestar of Truth be the beacon to guide these Senators on their paths of decision, as individually they get their daily bearings, and collectively think and act in good faith for the benefit of this people and the world. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. SUNUNU). The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will be in a period for morning business until the hour of 5 p.m. As we have done previously, the first hour of today's morning business will be devoted to expressions in support of our Armed Forces personnel in Iraq. At 5 p.m. today, the Senate will proceed to the first rollcall vote of the week. The vote will be on the confirmation of Cormac Carney to be U.S. District Judge for the Central District of California. Although this will be the 15th judge confirmed this year, I am concerned that the Senate has only acted on two circuit court nominations. There are six circuit nominations on the calendar and 11 additional nominations in committee.

Following the scheduled 5 p.m. vote, the Senate will begin consideration of the next circuit court nomination on the calendar, the nomination of Priscilla Owen to be United States Circuit Judge for the Fifth Circuit. There are Members on both sides of the aisle who will probably want to speak in relation to this nominee, and I hope some Members will be available to give their remarks this evening.

On Tuesday, in addition to the judicial nomination mentioned, the Senate is expected to consider the CARE legislation under the consent agreement reached last week. I expect the Senate would begin the bill on Tuesday and finish the remaining debate and votes on Wednesday.

This week we are still trying to reach agreements with respect to the FISA bill, the Foreign Intelligence Service Act, the bioshield bill, a POW resolution, as well as any additional nominations that can be cleared. We will also be considering the budget and supplemental conference reports this week as they become available.

This is our last legislative week prior to the April recess and all Members should be prepared for a full week as we attempt to finish a number of outstanding issues. I thank all Members in advance for their consideration.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the majority leader finishes, I ask him are we going to vote on the California judge today, and then did he say he is going to go to Owen next?

Mr. FRIST. That is correct, Mr. President.

Mr. REID. The majority leader is going to move to that tonight?

Mr. FRIST. Yes, we will.

SUPPORTING OUR TROOPS

Mr. FRIST. Mr. President, very briefly, before turning to my colleagues, I want to recognize the commitment and sacrifice of Tennessee citizen soldiers. One thousand Tennessee National Guard troops and airmen have been deployed to participate in Operation Iraqi Freedom. Another 3,000 have been activated and await deployment. These

men and women leave full-time jobs and their families to serve their country and protect our liberty. I want to very directly say, thank you. They are absolutely critical to the success of our mission in Iraq. Thanks to their bravery, their boldness, their courage—and that is more than 300,000 men and women of the American military in Iraq—we will prevail.

The 101st Airborne continues to make Tennessee and the United States of America proud. In Najaf, the 101st has helped return the city to normalcy by restoring water and electricity and will very soon participate in the delivery of humanitarian aid. They have also captured a senior Iraqi intelligence officer there.

The 101st helped to secure and continues to protect Baghdad International Airport. The first American aircraft landed at the airport yesterday.

In Karbala, the 101st Airborne overwhelmed the enemy. All Iraqi troops either fled or were killed. After cheers and waves from thousands of residents, citizens tore down a 25-foot bronze statue of Saddam Hussein.

Lastly, as quoted in this morning's Washington Post, MG David Petraeus told a rifle company while awarding two Purple Hearts:

> There is no greater commitment than that which is made by putting the American infantryman on the ground. You've really walked point for our Nation in this particular battle and this part of the campaign. You've performed brilliantly in countless ambiguous situations.

I close in saying thanks, thanks to those Tennessee citizen soldiers and citizen soldiers from all across the country, the National Guard troops and airmen, and thanks to all of our military personnel in Iraq and their families.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 5 p.m. Under the previous order, the time until 5 p.m. shall be equally divided between the Senator from Texas, Mrs. HUTCHISON, and the Democratic leader or their designees.

The Senator from Colorado.

HONORING OUR ARMED FORCES

Mr. ALLARD. Mr. President, I rise to speak under morning business that we set aside to salute our troops in Iraq. Initially, the plan that was put together by the military leadership was criticized, but today it is heralded as one of the great military strategies put together and will probably go down in the annals of military strategy. A number of individuals throughout the country are writing comments about our troops in Iraq.

I have an article written by Rick Atkinson, Washington Post Foreign Service, Thursday, April 3, 2003. It reads:

> An enthusiastic welcome for U.S. forces in Najaf turned jubilant today, as several thousand Iraqis braved sporadic firefights for what one Special Forces officer described as ''the Macy's Day parade,'' applauding a U.S. patrol that pushed close to a religious shrine at the center of the city.
>
> Four days after encircling Najaf, the 101st Airborne Division tightened the occupation today.
>
> Three infantry battalions rolled through the streets, including neighborhoods around the venerated tomb of Ali, son-in-law of the prophet Muhammad.
>
> Fourteen M1 Abrams tanks clanked up and down the southern boulevards, and another brigade of several thousand troops cinched the cordon on the north, seizing arms caches and swapping fire with elusive gunmen who are now believed to number no more than a few score.
>
> In the midst of the fighting, a U.S. patrol approached Ali's tomb attempting to contact local clerics but were met instead by a crowd. Lt. Col. Chris Hughes, a battalion commander in the 1st Brigade, said, ''We waited about an hour and a half, and the hair on the back of my neck began to stand up. The crowd got bigger and bigger, so we pulled back out. But it was like the liberation of Paris.''

I state our troops have been mindful of the Iraqi culture during the push north toward Baghdad. Our soldiers have been helping guard a religious shrine in southern Iraq. The temple is called the Temple of Ziggurat and was built 4,000 years ago. Many know the site as the birthplace of Abraham. This is just one example of the way our men and women were respectful of the rich heritage of the Iraqi people and committed to helping them preserve their legacy.

I have a picture of a small Iraqi child giving a thumbs-up to our American soldiers because he recognizes the great job our men and women are doing in Iraq and recognizes the fact it is his freedom we are talking about. They are fighting not only to protect America but to provide an environment where freedom will thrive in a new Iraq.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

Mr. THOMAS. Mr. President, I would like to continue to talk a bit about the most important item before us, the issue most of us have on our minds, and that is our forces in Iraq, the efforts that are being made there and the reasons for those efforts. Certainly, at this time all of us are thinking about that.

No one has ever said that this fight would be easy. Now that our troops are in Baghdad, we acknowledge that perhaps the toughest part of the war to disarm Saddam Hussein is likely still ahead of us. But so far Operation Iraqi Freedom certainly has been a tremendous success, and I think all of us share in pride at the actions of our men and women who are there and our leaders who have caused these actions to take place and have managed them. Our Operation Iraqi Freedom has been a tribute to the skills of the men and women in uniform and their leadership.

I spent some time this morning with a group of fourth graders. These youngsters have a pretty good idea of what is going on in Iraq and, to some extent, why we are there. Obviously, they have been talking with their parents. Obviously, they have been watching TV. But I thought it was amazing how much these young kids seemed to understand. I thought that was great.

Certainly our hearts break for every life that is lost and every soul missing on the battlefield. We thank our stars that the losses so far have been relatively light. That, of course, doesn't make it any easier for the families who have suffered the losses.

In less than 3 weeks, our aircraft have seized control of the skies. Our soldiers and marines and special forces control the bulk of the country. In less than 3 weeks, our troops are showering in Saddam's Presidential Palace in the capital city of Baghdad. In the blitz to Baghdad, our troops have taken more than 4,500 Iraqi prisoners. These prisoners are being seen by officials from the International Committee of the Red Cross to ensure they are treated within the guidelines of the Geneva Convention. Saddam has been holding American prisoners for more than 2 weeks and has yet to grant the Red Cross access to them.

Our forces have been treating the wounds of countless innocent Iraqis caught in the crossfire. Our forces delivered relief to Iraqi citizens through its southern cities, removing deadly mines that prevented ships from docking. Our troops are safeguarding their ports and their oil wells for the time being.

I think it is amazing that our military has had such an impact and has yet been able to focus it away from the civilians. Obviously, there are accidents and there are losses but relatively few. That is most difficult in this kind of situation.

Just days ago there were naysayers who said Operation Iraqi Freedom was failing. Now most of the conversation is about what we are going to do after the combat is over. It is very difficult. Imagine what these naysayers might have said on D-Day, Okinawa, Saipan, Chosin, Yorktown, Gettysburg, or a host of other battles in our history and how their commentaries might have influenced America's support in the war.

I sincerely hope—and I believe—that the American people are not as faint-hearted or impatient as some would argue. We are in the 19th day of a war.

That is pretty short. Hopefully, it will be over soon. But those who became very impatient after 5 or 6 days—certainly that was not realistic. I suppose maybe we had the notion from the gulf war that it would not last at all. I think we should be very pleased and very proud at the amount of time it has taken and the progress that has been made.

In a war, as members of our Armed Forces know well, the enemy can react differently than we predict. It is interesting some have talked about the weaknesses of the planning, that it didn't go the way it was planned. Of course it didn't. In a war things never go just the way they were planned. But the plans, obviously, have been good to be so successful. On the battlefield, of course, the enemy has a vote.

Our troops are learning on the go and adapting quickly to the changing battlefields. They are rooting out death squads that blend in with the Iraqi population in the countryside. Our troops are dealing with car bombers who kill themselves in order to harm soldiers. These suicide and homicide attacks, of course, can be indiscriminate and have the potential to kill many innocent Iraqi civilians. It is also a demonstration of how violence has changed over time. I guess things will never be the same after 11 September. Who would have imagined those things could take place. So we have a different kind of combat, even in war.

As our fight against Saddam Hussein's regime unfolds, I urge all Americans to continue to have patience and support of our Commander in Chief. Our victory is certain as is our continuing support for our troops.

This regime is corrupt. Its leaders are morally bankrupt. The savagery his death squads and car bombers are showing is not a tactic but a symptom of a dying regime in the throes of its own demise.

As we focus on the days ahead, continuing to show our firm resolve to remove this tyrant and his regime and to accomplish the goal for which we set out—and that is to disarm Saddam Hussein—I particularly wish to comment for a moment on the contribution of the National Guard in various States.

In my State, the Wyoming National Guard has certainly made a contribution of which we are all very proud. Obviously, the National Guard consists of citizen soldiers and airmen who serve our country with great pride and professionalism.

The first Federal mobilization of a Wyoming Army National Guard unit came in 1898 with the Spanish-American War. Since then, and with the creation of the Wyoming Air Guard after the Second World War, units have served and participated in a variety of different theaters. These include the Korean war, Desert Storm, Bosnia, and now of course Operation Enduring Freedom.

Currently, the Wyoming National Guard has 20 percent of its personnel activated in vital missions throughout the world. We have the smallest population of any State in the Union, so of course our people are greatly missed—as they are in other places. Our local employers have been supportive of people who have been deployed, and we have had a good deal of deployment for a good long time, in fact. I am very proud of the men and women in my State who have answered the call to service and eagerly joined the ranks of the National Guard. People willing to join have increased in numbers since the war with Iraq has begun.

Not along ago, Brigadier General Dillon, Assistant Adjutant General of the Army, said to soldiers upon deployment:

You are now on the first string and you don't ride the bench for long.

I suspect the National Guard is even more important than it has been in the past. As we get more and more technical in the regular, full-time Army and Marine Corps, when there is a call for numbers, of course, then we have to turn to the Guard and to the Reserve.

We all join in extending our thanks and gratitude to these people and to their families for doing what they are doing and doing it so well; to leave their jobs, to leave their families, to change their lives. This is a source of great pride that my State can consistently produce individuals to meet these challenges. They have done a great job. There is an article in one of our local newspapers that highlights some of these family members. I ask unanimous consent to have that printed in the RECORD.

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

[From the Casper Star-Tribune, Apr. 6, 2003]

WYOMINGITES ABOARD U.S.S. ABRAHAM LINCOLN

(By the Star-Tribune staff)

Petty Officer Timothy E. Roney, son of Kathy ''Kitty'' Ulrich of Casper and E2 Barbara Van Horn, daughter of Dennis and Sheryl Van Horn of Rock Springs, are aboard the USS Abraham Lincoln in the Persian Gulf.

Roney enlisted in the Navy eight years ago. This is his second assignment aboard the Abraham Lincoln and he has also served aboard the USS Nassau out of Virginia Beach Va.

He has had five overseas tours aboard ship, with three tours taking him to the Middle East. This journey on the USS Abraham Lincoln started in August 2002 with the Persian Gulf as the destination.

The ship was due back in port by mid-January 2003, but was called to serve again in the Persian Gulf on New Year's Day.

The Lincoln has spent the longest time at sea of any carrier since the Vietnam War.

He enlisted in Seattle and was raised primarily in Tacoma, Wash., where his parents, Kathy Ulrich and Craig Roney, were both active duty Air Force, stationed at McCord Air Force Base, Tacoma.

Roney's wife, Angela; daughter, Shaquanna, 5 and son, Bailey, 2, live in the Seattle area.

In Casper with his mother is his brother, Chris Roney

Van Horn graduated from Sheridan High School in 2002. She is the granddaughter of Barbara Garhart of Osage and the late Donald Garhart.

SKY SOLDIER

Pfc. Bradley P. Mahrer, son of Rich and Renae Mahrer and brother of Christine Mahrer, all of Casper, is a paratrooper with the 173rd Airborne Brigade stationed in Vicenza, Italy. Sky Soldiers of the 173rd Airborne parachuted into northern Iraq under cover of darkness on March 26 to secure the Harir Airfield. This was considered one of the largest and more complex airborne operations in history.

He graduated from Kelly Walsh High School in 2001 and attended the University of Wyoming for one year.

He graduated from basic training in October 2002 and went to airborne training, where he earned his jump wings, all at Fort Benning Ga.

MOVING TOWARD BAGHDAD

Lance Cpl. Kyle Lamb, Weapons Company 1st Battalion, 7th Marines (81's), is now in Iraq, probably moving toward Baghdad, according to his family. He graduated from Cody High School in May 2000 and joined the United States Marine Corps on Sept. 6, 2000. He graduated from boot camp at Camp Pendleton, Calif., on Dec. 9, 2000, and was stationed at 29 Palms, Calif.

His wife, Lacy Johnson Lamb, lives in 29 Palms but is currently in Cody with her parents, Leona and Keith Johnson, until his return.

His parents are Thomas and Donna Lamb of Cody and his brother, Anthony, is still at home. His grandfather is Allen R. Hull, also from Cody. He has a large extended family that loves him very much and is praying for his safe return.

TO QATAR

Airman 1st Class Brandon Sims was deployed March 2 from Seymour Johnson Air Force Base, Goldsboro, N.C., to Al Udeid Air Base in Qatar.

He is with the 379 Equipment Maintenance Expeditionary Group, where he is a munitions systems specialist.

He graduated from Torrington High School in 1998 and joined the Air Force in April 2002. He is the son of David and Melinda Sims of Torrington.

MUSTANG MARINE

Pfc. Shane Stuhlmiller, son of Mark and Marcia Stuhmiller of Casper, is with the 2nd Marine Division, 6th Marines in Iraq. His permanent duty station is Camp Lejeune, N.C.

He graduated from Natrona County High School in May 2002.

SERVICE SUPPORT

Pfc. Abraham Henneman was deployed to Iraq from Camp Pendleton, Calif., with the 1st Force Service Support Group, 7th Engineer Support Battalion, the support group for the 1st Marine Expeditionary Force.

He is the son of Dave and Kristy Henneman of Casper.

He graduated from Campbell County High School in Gillette in 2000.

7TH MARINES

Cpl. R.J. Matthews, RCT 7, 3rd Battalion, 7th Marines H&S MT was deployed to Kuwait from 29 Palms, Calif., in January. He graduated from Torrington High School with the class of 1998 and entered the Marines under a delayed entrance program.

He married his classmate, Candice Lira Matthews, who is currently living in 29 Palms. His father, James Matthews and grandparents, Harold Matthews, Jean Clutter and Dean Clutter, all reside in Torrington.

MILITARY POLICE

Lance Cpl. Christal A. Powell, daughter of Catherine Holton of Casper and the mother

of Cody Hall, also of Casper, serves in the Provost Marshal's Office, Military Police, Headquarters Service Battalion, Bravo Company, Okinawa, Japan.

She is a 1992 graduate of Natrona County High School and a graduate of Casper College with a degree in criminal justice.

1ST SUPPLY BATTALION

Lance Cpl. Rosanna J. Potter, daughter of Alan and Mona Potter and sister of Amanda and John Potter of Casper, is part of the 1st FSSG, 1st Supply Battalion/Ammo Company. She was deployed to Kuwait in January and is currently serving in Operation Iraqi Freedom.

She joined the Marines during her senior year at Natrona County High School. After graduation in June 2000, she left for basic training at Parris Island, S.C., where she graduated from a 12-week course. She then attended an MOS school at Red Stone Arsenal in Red Stone, Ala. From there, she was stationed at Camp Pendleton, Calif.

3RD INFANTRY

Spc. Thomas C. McMartin is a diesel mechanic with the 559 Quartermaster Battalion, 202nd 3rd Infantry Division. He was deployed from Hunter Haas Air Force Base in Savannah, Ga., to Kuwait on March 30, 2003.

He is a 2000 graduate of Hot Springs County High School in Thermopolis.

His wife is Sara M. Cavalli McMartin, also from Thermopolis.

His father and stepmother are Eugene and Ellie McMartin of Thermopolis.

His mother and stepfather are Gloria and Scott Adams of Mountain View.

His grandparents are Lillian McMartin of Rock Springs and Calvin Bluemel of Mountain View. His maternal grandmother and paternal grandfather are deceased. He has five brothers and sisters, all living in Wyoming.

GOLDEN DRAGON

John Swanson, son of Mike and Cindy Swanson of Casper, is an aviation structural mechanic in the U.S. Navy who works on F/A–18C Hornets. He is an integral member of Strike Fighter Squadron 192, the world famous Golden Dragons.

He is currently aboard the USS Kitty Hawk in the Persian Gulf.

He has been in the U.S. Navy since September 1998. He has been stationed at the Naval Air Warfare Center weapons division in California and is currently stationed in Yokosuka, Japan, the operating port for the USS Kitty Hawk.

He graduated from Natrona County High School and Casper College, where he received an associate's degree in auto mechanics.

His family is very proud of him.

CAVALRY SCOUT

Pfc. Anthony ''Tony'' J. Krasovich was deployed from Fort Stewart, Ga., in January with the rest of the 3rd Division to Kuwait. He is a scout with C Troop 3–7 Cavalry leading the way. He is all Wyoming, according to his dad. His current hometown is Cheyenne but he was born in Cody, graduated from Wright Junior/Senior High School in 1997 and Laramie County community College in 2001. He is the son of Jim and Marita Krasovich of Cheyenne.

TO SOUTH KOREA

Master Sgt. David W. Jones, United States Air Force 58th Aircraft Maintenance Squadron, is stationed at Kirtland Air Force Base, New Mexico. He will be deployed to Osan Air Base, South Korea, in June on an HH–60G rescue helicopters.

He graduated from Glenrock High School in 1981 and entered the Air Force 1986. Prior to his assignment to New Mexico, he served at Kadena Air Force Base, Okinawa, Japan; Hurlburt Field, Fla.; Osan Air Base and Royal Air Force, Mildenhall, England.

His mother and stepfather, am and Butch AuFrance, live in Casper. His brother, Brad Jones and his family live in Glenrock. His wife, Crystal, and four children will remain at home in Albuquerque while he is in South Korea for one year.

GREEN RIVER MARINE

Lance Cpl. Davy J. Francis, son of David and Theresa Francis of Green River, has been deployed from Camp Pendleton, Calif., to Iraq. He graduated from Green River High School in 2001.

His grandparents are Betty Turley of Sheridan and the late Malcolm L. Turley and Harriet Francis of Buffalo and the late John Francis.

ARMY CAPTAIN

Capt. Brian Westerfield, son of Ruth and Bill Westerfield of Cheyenne, is assigned to the 1st Battalion, 27th Field Artillery, a part of the V Army Corps in Germany. His unit is currently deployed to Iraq in support of Operation Iraqi Freedom. He is a past commander of the ROTC Indian Battalion at Cheyenne Central High School and was commissioned a second lieutenant upon graduation from the University of Wyoming.

He earned his jump wings at Fort Benning, Ga., in 1995.

He is married to Chandra (Hehr) Westerfield, formerly from Green River.

He is the grandson of Loraine Westerfield and Russ and Emma Donnelly of Encampment.

USS CONSTELLATION

AE3 Jeffrey Campbell, son of Jim and Mary Campbell of Casper, is assigned to VAW–116, a squadron of E2 Hawkeyes, airborne early warning aircraft. The squadron is part of Carrier Airwing 2, which is now deployed on the aircraft carrier USS Constellation.

They have been in the Persian Gulf for five months and are part of the coalition forces participating in Operation Iraqi Freedom. This is Campbell's second deployment to the Persian Gulf with the Constellation Battle Group.

He graduated from Roosevelt High School in 1999 and gets e-mail from a couple of his favorite teachers there, Susan Griffith and Daney Tanner. He says that he's the only one who gets e-mail from his high school teachers and it makes him feel great.

He joined the Navy in May 2000. After boot camp, he was stationed at Pensacola, Fla., where he went to school to become an aviation electrician.

His brother, Jim, and grandparents, Jim and Verna Campbell, also lives in Casper.

IN IRAQ

Pfc. Michael T. Jones of Casper is a member of the 1st Division, 1st Battalion, 7th Marines, Weapons Company in 29 Palms, Calif. He deployed from 29 Palms in late January.

He graduated from basic training at Marine Corps Recruit Depot, San Diego, in August 2002. After graduation, he was stationed at Camp Pendelton for advanced weapons and infantry training, 81 mm mortars and urban assault.

He is a Casper native and graduated from Kelly Walsh High School in 2002. His father and stepmother are Mike and Geri Jones of Casper. His siblings are Jacquelyn Jones of Omaha, his stepbrother, Jason Best and stepsister, Keri Wilhelm of Casper. His grandparents are Dewey and Ellen Gerdom and Max and Jean Jones, all of Casper.

Mr. THOMAS. All of us continue to support our troops; we continue to pray for our troops and their families and their losses. We know we will succeed and that we succeed because of the bravery and willingness of our Armed Forces. I hope, too, that we will remember there is a relationship between ''the land of the free'' and ''the home of the brave,'' and that is being demonstrated at this time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO DR. ARTHUR GUYTON

Mr. COCHRAN. Mr. President, our State of Mississippi lost one of its finest citizens when Dr. Arthur Guyton was killed in an automobile accident on Thursday, April 3. He was a preeminent cardiovascular physiologist whose ''Textbook of Medical Physiology'' is the best known and most widely used medical school textbook in the world.

His research on hypertension and heart function was performed at the University of Mississippi Medical Center in Jackson and is the basis for the level of mankind's knowledge of these subjects today. He was a graduate of the University of Mississippi and the Harvard Medical School.

He published his textbook in 1956, which was largely a compilation of the lecture notes he used when he was teaching physiology in the early 1950s at the University of Mississippi in Oxford.

He and his wife Ruth are the parents of 10 children who are all physicians and engaged in the practice of medicine. Some are working at such leading medical centers as Duke and Johns Hopkins. Dr. Guyton's father was also a medical doctor who practiced in Oxford, MS, and was dean of the Ole Miss Medical School. No family in America is more prominent in the field of medicine.

Our thoughts and prayers are with this distinguished family. We extend to them our sincerest condolences and the thanks of a grateful nation for their continuing contributions.

Mr. President, I ask unanimous consent that a copy of the article published in the Clarion-Ledger newspaper in Jackson MS, on April 4 be printed in the RECORD.

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

WORLD-RENOWNED MISS. DOCTOR KILLED IN CAR CRASH

(By Thyrie Bland)

Dr. Arthur C. Guyton, a world-renowned physiologist and author of the most widely used textbook on physiology, was killed Thursday in a two-vehicle accident in Pocahontas, officials said.

Guyton's wife, Ruth, who was driving, was in critical condition Thursday night at the

University of Mississippi Medical Center, where her husband was a founding father.

The Guytons' van collided with a car driven by Marjorie Guthrie, of Yazoo City, shortly before 4 p.m. on U.S. 49 North in Hinds County, said Warren Strain, a spokesman for the state Department of Public Safety. Guthrie's condition was unavailable.

Guyton, 83 of Jackson, leaves behind 10 children—all doctors—and a legacy of research.

The modest physician's hallmark discovery was proving that blood flow is regulated by the body's billions of capillaries and not by the heart, as long thought.

''It's just a loss of a giant of the 20th century,'' said Dr. Wallace Conerly, UMC's chief executive officer. ''Still today, what most of us know about hypertension and congestive heart failure, that man did it.''

An Oxford native, he worked most of his life as a teacher and researcher at UMC, where he was chair of the department of physiology and biophysics for 41 years. He authored the Textbook of Medical Physiology.

''I used his textbook to get through Tulane Medical School in 1956,'' Conerly said.

Guyton retired in 1989 at age 69 from UMC with a gala dubbed Arthur Guyton Day by the state and city.

''He still came to the office almost everyday,'' said Barbara Austin, a UMC spokeswoman. ''He still taught classes.''

Guyton, partially paralyzed from polio at age 27, designed a motorized wheelchair, special hoist and walking brace for which he later earned a Presidential Citation.

''My father came from a farm and gave us our goals,'' Guyton told The Clarion-Ledger in 1989. ''My mother had been a teacher and a missionary in China where she taught physics and math, so we could always ask her the scientific questions.''

Heralded with more than 50 national and international awards in medicine, Guyton always was quick to skip over his own accomplishments to compliment his wife and children. He married Ruth Weigel in 1943 after the two met during a bicycle ride.

The cause of the accident is under investigation, Strain said.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Under the previous order, the time until 5 p.m. shall be equally divided between the two leaders or their designees.

Mr. DORGAN. Mr. President, my understanding is the Senator from West Virginia, Mr. BYRD, is about to make a presentation to the Senate. I ask unanimous consent to be recognized following Senator BYRD's presentation.

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

Mr. BYRD. Mr. President, I thank the very distinguished Senator from North Dakota.

EULOGY FOR MRS. MARY JANE OGILVIE

Mr. BYRD. Mr. President, on Tuesday, April 1, Mary Jane Ogilvie, the beloved wife of the Rev. Dr. John Lloyd Ogilvie, passed away. A light has gone out in the lives of the many people who were touched by her love, her dedication, and her compassion.

Rev. Dr. John Lloyd Ogilvie, who served as the Senate Chaplain from March 3, 1995, until just this past month, was an unfailing source of support on many occasions to many of us in this Chamber, as well as to our families and our staff. He has been a compassionate spiritual advisor and a personal counselor during some of the most dangerous and trying times in the history of the Senate, including the horror of September 11 and the anthrax attack a few weeks later. I think it is fair to say that his unstinting service was heightened by, and a reflection of, the equal strength and understanding of Mrs. Ogilvie in their many years together.

From what I know and understand, Mrs. Ogilvie was a kind, gentle woman, who exhibited indomitable courage and determination. Having dealt with illness in her own life, she was a source of inspiration and comfort in the lives of others. She was a petite woman, but her size belied a remarkable tenacity and will. Mrs. Ogilvie understood suffering, and she reached out to lessen the suffering of others. She was one of those special individuals who made life better and happier for all those who knew her.

Mrs. Ogilvie did not seek the limelight. Her own effervescence and love for her husband and family and friends offered light enough. I am sure that those who grieve for her now will be comforted by the quiet memory of her shining, luminous life.

Dr. Ogilvie will miss her. He will miss her very much. My own wife, Erma, and I extend to Dr. Ogilvie and his children—Scott, Heather, and Andrew—our deepest condolences and most heartfelt sympathies.

Sometimes at eve when the tide is low,
I shall slip my mooring and sail away,
With no response to the friendly hail
Of kindred craft in the busy bay;
In the silent hush of the twilight pale,
When the night stoops down to embrace the day
And the voices call o'er the waters flow—
Sometimes at evening when the tide is low
I shall slip my moorings and sail away.

Through the purple shadows that darkly trail
O'er the ebbing tide of the Unknown Sea,
I shall fare me away, with a dip of sail
And a ripple of waters to tell the tale
Of a lonely voyager sailing away
To Mystic Isles where at anchor lay
The crafts of those who have sailed before
O'er the Unknown Sea to the Unknown Shore.

A few who have watched me sail away
Will miss my craft from the busy bay;
Some friendly barks that were anchored near,
Some loving hearts that may heart held dear,
In silent sorrow will drop a tear.
But I shall have peacefully furled my sail
In moorings sheltered from storm or gale,
And greeted the friends who have sailed before
O'er the Unknown Sea to the Unseen Shore.

This bit of verse from Lizzie Clark Hardy I recall today in memory of Mrs. Ogilvie, and our dear friend the former Chaplain, Dr. Ogilvie.

Mr. HAGEL. Mr. President, I also rise to express Lilibet's and my sympathy over the loss of a close friend, Mary Jane Ogilvie. As the wife of Dr. Lloyd Ogilvie, our Senate Chaplain, Mary Jane was a friend to many and always offered an attentive ear and an open heart to all of us in the Senate family. Her high spirit and quiet strength endeared her to all who knew her.

Mary Jane was a remarkable woman. Having battled cancer, she counseled others living with cancer. She devoted countless hours to raising awareness and funding for cancer research. She raised a magnificent family . . . which is her legacy. Lilibet and I cherished our friendship with Mary Jane. We will miss her, but we will be renewed and enhanced by the time we had with Mary Jane. Our thoughts and prayers are with Lloyd and the Ogilvie family.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I say to my colleague from West Virginia that no one in the Senate is better able to express the interests not only of the Senator from West Virginia but for the Senate as a whole on matters of the type he talked about. Senator BYRD spoke of Reverend Ogilvie and his wife and what they both contributed to life in the Senate. I echo his comments and say that we miss Reverend Ogilvie and his wife, and we grieve for her passing. I thank Senator BYRD for calling the attention of the Senate to it today.

DROWNING IN TRADE DEFICITS

Mr. DORGAN. Mr. President, today I will speak about trade. On occasion, I have come to talk about our problems in international trade because it relates to the center of the issues we need to be concerned about with respect to our country's economy; and that is jobs, a growing economy that produces good jobs that pay well, that expands opportunities for the American people. Yet our trade strategy in this country has been a bankrupt trade strategy for a long while.

I will use a chart to describe what I am talking about. The current trade strategy in America is producing nothing but red ink, and not just a small amount of red ink, but we are literally drowning in trade deficits. This is the merchandise trade deficit in this country. These are trade deficits that are completely out of control. Last year, there was $470 billion in trade deficits.

April 1 was April Fools Day, and that is the day the U.S. Trade Representative released its 2003 report on trade barriers. This is the 2002 report. The 2003 report is not yet available in hard copy, but I am told it is as thick and as voluminous as the 2002 report. It describes the trade barriers that we find overseas and around the world for American goods produced by American workers in American factories. It lists country by country and barrier by barrier foreign markets that are closed to our products.

Frankly, despite all the talk about free trade and expanded trade, there has been very little progress in prying open these markets. Let me use one example that demonstrates better than almost any other of how difficult it has been for us to make real progress on these issues. I will describe it in the context of our trade with Japan in beef—yes, beef. Fifteen years ago now, we reached a trade agreement with Japan so that American beef could be sold into the Japanese marketplace. That trade agreement provided that for every pound of American beef that went into Japan, there would be a 50-percent tariff. That is after our negotiators reached an agreement. We have a very large trade deficit with Japan, but our negotiators reached an agreement that said at the end of this agreement there will now be a 50-percent tariff on every pound of American beef going into Japan, and then it will reduce over time. But if we get increased quantities into Japan, it will snap back.

So 15 years after our beef agreement with Japan, and those who negotiated having had a fiesta of sorts on the front pages of all of our papers talking about this enormous success that we would now get more American beef into Japan, there is now a 38½-percent tariff, and it is about to go back to 50 percent. The USTR report now says that Japan plans to increase the tariff to 50 percent because of an increase in beef imports this year.

The only reason there is an increase in this year is that the Japanese consumers are finally starting to eat beef again after mad cow disease was found in Japan some years ago. So Japan decided that a 38½-percent tariff is not enough. Now it will go back to 50 percent, 15 years after we reached an agreement with this country to take more American beef.

This chart shows the agreements we have with other countries in terms of the balance of trade. My colleagues will see that red represents deficits. We have trade deficits with virtually every major trading partner, with the exception of Australia, and we are about to remedy that because we are about to enter into an agreement with Australia. I assume they will be able to turn a positive trade balance into a deficit very shortly.

It does not matter which agreement we have had, whether it is NAFTA or GATT, what we have done is create circumstances where all of our major trading partners are running trade surpluses with us.

I will talk a bit about the country of China. We have major trade deficits with China, with Europe, Canada, Mexico, Korea, and Japan. Are they getting better? No, they are getting much worse. Does it hurt this country? Of course it does. It means jobs that would have been in this country to produce goods and services the American people want instead exist in other countries. So the jobs that used to represent American jobs are now belonging to some other country producing those products to ship back into this country.

Let me talk about trade with China in the context of wheat. I come from a State that produces beef and wheat so I am naturally interested in that. I will discuss other products as well. The U.S. trade official in charge of trade with China recently left his job, and he had the courage to say publicly that China has failed miserably to live up to its promises that it made on agricultural trade when it joined the WTO in November of 2001. In fact, our trade official said the United States would be well justified in filing a WTO case against China. He said the evidence of unfair trade by the Chinese is ''undeniable,'' and the Chinese themselves privately acknowledge they are cheating on agricultural trade.

The official said the administration did not have the spine to take action because the Chinese might be offended. He said the administration was worried that a WTO case would be seen as an in-your-face thing to do to China so soon after China joined the WTO.

When China joined the WTO in November of 2001, the Chinese agreed to significantly expand the amount of imported wheat that would come into China at low tariffs. They agreed for 2002 it would set a tariff rate on imported wheat at 8½ million metric tons. That means 8½ million metric tons of wheat could enter the Chinese marketplace at low tariffs. But according to the Congressional Research Service, Chinese imports were less than 8 percent of what we expected to move into China. China was supposed to allow 8½ million metric tons, but it imported about 662,000 metric tons, and only 169,000 of that was from U.S. producers. How could that be? China's millers increasingly demand high quality wheat—the wheat we produce, wheat we can produce efficiently.

One explanation is, to import wheat under this Chinese TRQ, a Chinese importer needs a license. The license is granted by the Chinese government. The Chinese government decides only 10 percent of the licenses are going to be available to private importers; 90 percent are reserved for the Chinese government itself. If the Chinese government decides not to take American wheat into its marketplace, it will not do it. That is exactly what they have done. They commit to 8.5 million tons of imported wheat and make sure 90 percent will never be brought into the country.

I came to the Senate when this happened and quoted a Chinese agricultural official in the South Asian Post. For the Chinese consumption they were saying a bilateral agreement will open up trade between the United States and China. What he said in the South Asian Post, do not expect that is what we will accept into China. He said that to the Chinese. But they were telling the Americans a different story.

March 17, the USTR official named Bruce Quinn, who was the director of the China desk at USTR, now the former director of the China desk, told wheat industry meetings that USTR should file a case against China at the WTO. What made Mr. QUINN's comments particularly interesting is they were made on the last week in the job for him. He was moving to another agency. He felt then he could speak freely. He said about the Chinese government: The Chinese officials have never disagreed with the United States technical criticism about China administering tariff-free quotas. They just make the political argument you have to understand China, China is a special case. He said the inter agency trade policy review gave the ambassador's office the green light to proceed to take action against the WTO for China, but too many in the administration feel it is an in-your-face thing to do so soon after joining the WTO. Soon after making these comments in the last week on the job, the administration disavowed its comments, saying he was not speaking for the administration, but nobody said Mr. QUINN had said something wrong or what he said was wrong.

Why should we be reluctant to file a case against China at the WTO if evidence of cheating is rampant, so rampant that even the Chinese government admits it? Isn't that what the WTO was supposed to provide, a forum for dealing with unfair and illegal trade practices? If we let the Chinese government or China off the hook in the first year or two of this bilateral agreement, what will happen in the future?

Some might say this is about wheat and they are not wheatgrowers. For those who might view the proceedings and think we do not grow wheat and do not see it as a big deal selling grain or wheat to China, this is just one example of many that represents this monumental trade deficit. Our trade deficit in goods this past year was $470 billion. One-fourth of that, $103 billion, was with China alone. The deficits of Canada, $50 billion. Mexico, $37 billion. And Japan and Europe. Not only do we have deficits with trading partners, but we have deficits in almost every sector of trading: $110 billion deficit in vehicles, $47 billion trade deficit in consumer electronics, $58 billion deficit in clothing.

I mention the trade deficit with China. Just to give an example of what causes much of this, in many cases it is

incompetent trade negotiators on our part. We negotiate a bilateral with China and our trade negotiators agree, after a phase-in with respect to the U.S. and China, we will agree to a 10 times higher tariff on U.S. automobiles that we attempt to sell in China than would be imposed on Chinese automobiles in the United States. We say we will impose 2.5 percent on Chinese automobiles that are shipped here and you impose a 25 percent tariff on U.S. automobiles in China. I don't know who would agree to that. Whoever it is does not deserve to be paid by the American taxpayers. It is an incompetent position to engage in bilateral negotiations and tie our consumers', our employees' hands behind their back in international trade. We will do that by saying you can go ahead and impose tariffs 10 times the amount of tariffs we would impose on equivalent goods.

The trade deficit with Canada, similarly, is a deficit that in some respects comes from the Canadians as a result of the trade agreement being allowed to continue, a Canadian wheat board, which would be illegal in this country, a state trading enterprise would be illegal in this country. In Canada, it sells into this marketplace at secret prices, undercuts our farmers, and essentially thumbs its nose at American officials when they say we want the evidence of selling below acquisition costs in our marketplace and, therefore, dumping illegally in our marketplace. And the Canadians say, We are sorry; we do not intend to disclose anything to you, or any prices in this country.

Trade deficit with Europe, $82 billion last year. The WTO was supposed to provide us with a forum to resolve trade disputes. The fact is, it has not with respect to Europe. We went to the WTO, got a dispute resolution in our favor against Europe dealing with the import of U.S. beef to Europe which Europe was preventing. And despite that, we are still not getting U.S. beef into the European marketplace.

Trade deficit with Korea, $13 billion in 2002. I spoke before about cars from Korea, but let me give an example. We have just received the 2002 figures for automobile trade with Korea. The Koreans sold 633,000 Korean cars in this country. We sold 3,200 in Korea; 633,000 this year and 3,200 that way.

Now, why we do not sell more vehicles? Take the Dodge Dakota pickup truck. In February of this year, DaimlerChrysler started to sell that pickup truck in Korea. The Dodge Dakota truck is made in Detroit, Michigan. Korea does not manufacture pickups like Dodge Dakotas, so DaimlerChrysler thought it had a good potential market in Korea and started to market the vehicle to small business owners. It was very successful. It got orders for 60 pickup trucks in February, another 60 in March. That does not sound like much, especially when Korea is sending us 633,000 vehicles in a year, but it is a start. At an annualized rate that would amount to a 50-percent increase in car imports from the U.S. into Korea, into the marketplace just from the Dodge Dakota pickup alone.

Guess what happened? In March, last month, an official with the Ministry of Construction and Transportation decided the Dakota pickup posed a hazard in the marketplace so he announced the cargo covers on pickups, on Dodge Dakotas, were illegal and the drivers of those pickups would be fined if they put a cargo cover on the pickup truck. The newspapers had giant headlines: Government ministry finds Dodge Dakota covers illegal. Guess what happened? The Korean people got the message. Korean car purchasers canceled 55 of the 60 orders scheduled for March and now you cannot find a buyer for a Dodge Dakota in Korea, where in the last couple of months hundreds were lining up. Once again, we discover that trade is not free and it is not fair.

I have a chart that shows just one example of one sector, and these are last year's numbers, but, as I indicated, they are the same as this year, essentially. They ship us all their cars and this represents good jobs. We cannot get American cars into Korea. Just ask yourself: If the American consumers want to buy Hyundais and Daewoos and cars that are produced in Korea to come into this country, should they have the right? Absolutely. But what if a Korean wants to buy a Mustang? What if a Korean wants to buy a Ford Mustang convertible? Should they have that opportunity, that right? Do they now? Of course not. The Koreans are making sure we are not getting American cars into Korea. The result is an increased trade deficit, fewer good jobs in this country, and the further result is nobody seems to care. All they want to do is negotiate another incompetent agreement.

One of my feelings about the USTR is they come to this Congress asking for fast-track authority, which I think is nuts, saying to Congress: Tie your hands behind your back; let us negotiate an agreement in secret, and when we bring it to you, you decide by rule you cannot amend it.

I think that is plain nuts. Nonetheless, they were able to persuade enough people in the Senate and the House.

So they have fast-track authority so the next agreement they make with another country, they will bring it to the Congress, take it or leave it, no amendments in order. If they hadn't had fast track when they did the United States-Canada agreement, we wouldn't be stuck with the problem we have with the Canadian Wheat Board dumping into our marketplace, cutting into our farmers. But you couldn't offer an amendment. Who knows what will be in the next agreement they make? But when they make the agreement with another country, it will come here, likely pass the Senate and House, and the newspapers that support all this will trumpet this as an expansion of trade and it is free trade and it is wonderful and everybody—all boats are lifted by it.

That is total nonsense. I am in favor of expanded trade and expanded opportunity, but I am in favor of trade officials in this country having a spine and backbone to stand up for the interests of this country.

Should we continue to decide it is our lot in life to compete with somebody who is making 30 cents an hour, working 70 hours a week? Should we compete with a 12-year-old working 12 hours a day making 12 cents an hour? That happens, by the way. Is that fair competition?

That product is produced in any number of countries overseas and then shipped to the marketplace in Toledo or Fargo or Manchester or New York City. Is that fair trade? Is that what our producers ought to compete against? Or should we have some basic standards which say that what we fought for for over a century in this country—the right to work in a safe workplace, the right to organize, the right to be paid a fair wage, the right not to expect you have to work next to children; all of those rights that were fought for in this country—some people died for them; some people chained themselves to the factory gates for those rights—should all those be rights over which producers pole-vault to rush to another country to produce and say we don't have to worry about that, we don't have to worry about dumping pollution into the stream or the air, hiring 12-year-old kids, putting them in an unsafe workplace, we can do that because we have the right to do that and we have the right to ship our products to our country?

They ought not have that right because that is not fair trade. It is not fair competition, and we should not ask American workers and producers to compete against that.

There are so many issues to talk about with respect to international trade. In the end, I come back to the notion that it represents the strength of our economy to maintain a strong manufacturing base. No country will long remain a strong economic power if it does not retain a basic manufacturing base. Our manufacturing base is very quickly moving from this country to countries where production costs are lower. It is one thing to say we lose in international competition. It is quite another to say we are going to set up the competition in a manner that is fundamentally unfair and guarantees you lose.

In my judgment, whether it is farmers or manufacturing workers or textile plants, if we can't compete and win against fair competition, then our plants should not make it at all. But the competition ought to be required to be fair.

None of these trade agreements require that—none of them. Whether it is someone who is ranching out there today, producing cattle for a market and expecting to be able to move it into Japan without a 50-percent tariff or somebody who is raising potatoes in

the Red River Valley expecting to be able to move potato flakes into Korea without a 300-percent tariff or somebody producing Durham wheat, expecting not to compete against the state cartel in Canada that undersells them at secret prices, or, yes, a big automobile company in this country that expects not to have to compete against those who produce elsewhere and keep their markets closed to us—all of those are very serious problems relating to this country's economy and this country's ability to produce good jobs that pay well for the American people.

A $470 billion trade deficit this year—somebody is going to have to pay that bill. You can make the case—at least economists do—that the budget deficit is money we owe to ourselves. You cannot make that case with the trade deficit. This is money we owe to other countries that will inevitably be repaid with a lower standard of living in this country. That is why it is important at some point that we pay attention to it and view this as a crisis.

You can't get the editorial pages of the major newspapers to say so. You can't even get an op-ed piece published in the Washington Post unless you have a vision about trade that exactly matches theirs and the prevailing view in this town, which is: There are free traders—that is what they say—there are free traders who see beyond the horizon, who have a world view that is learned and is to be commended.

Then there are the others and the others are xenophobic isolationist stooges who just have never gotten it and understood that things have changed in the world.

Those are the two sides. If you are someone who says an unkind word at all about this structure of trade agreements that requires us to compete unfairly and allows others to compete unfairly against us, you don't have a chance of having that view expressed in the major newspapers in this country. That is regrettable because that means we don't have an aggressive debate on international trade.

The debate should never be about: Is expanding trade something that helps our country and helps others around the world? The debate ought to be about as we globalize—and we are globalizing our economies very quickly—will the rules of international trade in this global economy keep up with the galloping globalization? The answer to that, until now, regrettably, has been no. The rules have not kept pace, and that is why we find ourselves in this position.

I yield the floor.

I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF CORMAC J. CARNEY, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session to consider the nomination of Cormac J. Carney, which the clerk will report.

The bill clerk read the nomination of Cormac J. Carney, of California, to be United States District Judge for the Central District of California.

Mr. HATCH. Mr. President, I am pleased today to speak in support of Judge Cormac Carney, who has been nominated to the United States District Court for the Central District of California.

Following his graduation from Harvard Law School in 1987, Judge Carney entered private practice with the high powered law firm of Latham & Watkins. He worked there until 1991. He next worked as an associate for another widely respected law firm, O'Melveny & Myers, where he became a partner in 1995. He remained at O'Melveny until his appointment to the Orange County Superior Court in 2001, where he has presided over both criminal and civil matters.

Prior to his appointment to the bench, Judge Carney was an exceptional business litigator who typically represented Fortune 500 companies as both plaintiffs and defendants. His areas of expertise included complex matters such as real estate, partnership, lender liability, environmental law, intellectual property, and insurance coverage.

Even with a heavy workload and prestigious clients, Judge Carney devoted numerous hours to pro bono work for the disadvantaged. As a partner at O'Melveny, he supervised the firm's junior lawyers on pro bono cases, which included housing issues, education, civil rights, and the rights of homeless people. Because of the firm's extensive pro bono work, the Orange County Bar Association awarded it the Pro Bono Services Award, and the Orange County Public Law Center awarded it the Law Firm of the Year Award.

Since his appointment to the bench, Judge Carney has become involved with victims' rights. He currently serves as a member of the Governing Board of Victim Assistance Programs in Orange County. The Board provides support and guidance to all victim assistance programs and advises on procedure and policies relating to operations of victim centers located throughout Orange County.

Although Judge Carney has had a stellar legal career, I must note that before he made law his chosen profession he played professional football, first for the New York Giants and then for the Memphis Showboats. The legal profession is fortunate that he ultimately joined our ranks, since he has served on both sides of the bench with compassion, integrity, intelligence and fairness. I am confident that he will serve with the same qualities on the Federal district court bench.

Mrs. FEINSTEIN. Mr. President, I am pleased to support the nomination of Judge Cormac Carney for the Central District of California.

Judge Carney is a bright, young judge with truly impressive credentials. Judge Carney graduated cum laude from UCLA, where he earned All-American honors as a wide receiver. He attended Harvard Law School, worked as a partner for the prestigious law firm of O'Melveny & Myers, and has served with distinction as a Los Angeles Superior Court judge.

I am confident he will prove a valuable addition to the bench in the Southern District of California.

Today's vote on Judge Carney marks a milestone event for California's bipartisan Judicial Advisory Committee, which Senator BARBARA BOXER and I set up with the White House.

Judge Carney is the eighth judge to come out of the advisory committee. Nearly every one of these judges has passed out of the committee by a unanimous vote.

With Judge Carney's confirmation, the committee will have filled all the current district court vacancies in California.

This if the first time in recent memory that all of California's authorized district court judgeships are filled.

I would like to give credit to Jerry Parsky and the White House for working constructively with the California Senate delegation in a bipartisan manner to get these judgeships filled.

The results of the committee's efforts speak for themselves. On average, these eight California judges have received Senate confirmation within 114 days of their nomination.

In contrast, during the last year of the Clinton administration, district court nominees took an average of 196 days to get confirmed.

We have confirmed these nominees efficiently and without rancor. This process has enabled the best and the brightest legal minds of our state to gain admission to the Federal bench.

I hope the Senate sees our efforts in California as a model of how the judicial nominations process could work.

Mr. CORNYN. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Cormac J. Carney, of California, to be

United States District Court Judge for the Central District of California? The yeas and nays are ordered, and the clerk will call the roll.

Mr. McCONNELL. I announce that the Senator from Tennessee (Mr. ALEXANDER), the Senator from Virginia (Mr. ALLEN), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oregon (Mr. SMITH), and the Senator from Missouri (Mr. TALENT) are necessarily absent.

Mr. REID. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Georgia (Mr. MILLER), the Senator from Florida (Mr. NELSON), the Senator from Maryland (Mr. SARBANES), and the Senator from New York (Mr. SCHUMER) are necessary absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) and the Senator from Florida (Mr. NELSON) would each vote ''Aye''

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 0, as follows:

[Rollcall Vote No. 126 Ex.]

YEAS—80

Akaka	DeWine	Lincoln
Allard	Dodd	Lott
Baucus	Dole	Lugar
Bayh	Domenici	McCain
Bennett	Dorgan	McConnell
Biden	Durbin	Murkowski
Bingaman	Ensign	Murray
Boxer	Enzi	Nelson (NE)
Breaux	Feingold	Nickles
Bunning	Feinstein	Pryor
Burns	Fitzgerald	Reed
Byrd	Frist	Reid
Campbell	Graham (SC)	Roberts
Cantwell	Grassley	Rockefeller
Carper	Gregg	Santorum
Chafee	Hagel	Sessions
Chambliss	Hatch	Shelby
Clinton	Hollings	Snowe
Cochran	Hutchison	Specter
Coleman	Jeffords	Stabenow
Collins	Johnson	Stevens
Conrad	Kennedy	Sununu
Cornyn	Kohl	Thomas
Craig	Kyl	Voinovich
Crapo	Lautenberg	Warner
Daschle	Leahy	Wyden
Dayton	Levin	

NOT VOTING—20

Alexander	Harkin	Miller
Allen	Inhofe	Nelson (FL)
Bond	Inouye	Sarbanes
Brownback	Kerry	Schumer
Corzine	Landrieu	Smith
Edwards	Lieberman	Talent
Graham (FL)	Mikulski	

The nomination was confirmed.

Mr. LEAHY. With today's confirmation vote on the nomination of Judge Cormac Carney to the U.S. District Court for the Central District of California, Senate Democrats again demonstrate their bipartisanship toward consensus nominees. Judge Carney's confirmation will bring to 16 the number of judicial nominees of President Bush confirmed just this year, with 14 district court nominees and two circuit court nominees confirmed in the first 10 weeks since the reorganization of the Senate. This stands in marked contrast to 1996 when only 17 judicial nominees of President Clinton were confirmed all year, and not one of them was for the circuit courts.

Last year alone, in an election year, the Democratic-led Senate confirmed 72 judicial nominees, more than in any of the prior 6 years of Republican control. Overall, in the prior 17 months I chaired the Judiciary Committee, we were able to confirm 100 judges and vastly reduce the judicial vacancies that Republicans had stored up by refusing to allow scores of judicial nominees of President Clinton to be considered. Not once did the Republican-controlled Senate consider that many of President Clinton's district and circuit court nominees. We were able to do so despite the White House's refusal to consult with Democrats on circuit court vacancies and many district court vacancies.

There is no doubt that the judicial nominees of this President are conservation, many of them quite to the right of the mainstream. Many of these nominees have been active in conservative political causes or groups. Democrats moved fairly and expeditiously on as many as we could consistent with our obligations to evaluate carefully and thoroughly these nominees to lifetime seats in the Federal courts. Unfortunately, many of this President's judicial nominees have proven to be quite controversial and we have had serious concerned about whether they would be fair judges if confirmed to lifetime positions. We are pleased that this is not the case with Judge Carney of California.

While Republicans frequently point to the 377 judges confirmed for President Clinton, what they tellingly leave out is that only 245 of them were confirmed during the 6½ years Republicans controlled the Senate. That amounts to only 38 confirmations per year when the Republicans last held a majority. In 1999, the Republican majority did not hold a hearing on any judicial nominee until June. Last week, the Republican majority held its seventh hearing including a 32nd judicial nominee in the last 2 months. The Senate Judiciary Committee under Republican control operates in two very different ways under very different practices and rules depending on the political party of the President. This year it is acting like a runaway train, operating at breakneck speed and breaking longstanding rules and practices of the committee to rush through the consideration of lifetime appointees.

This year we have had a rocky beginning with a hearing for three controversial circuit court nominees which caused a great many problems that might have been avoided had the chairman honored the bipartisan agreement on controversial nominees and the pace of hearings and votes that has been in place since 1985, for almost 20 years. The chairman's insistence on terminating debate on the Cook and Roberts nominations, in clear violation of the committee's express rules that have been honored since 1979, for almost 25 years—is another serious problem. Of course, with the Estrada nomination, the administration's unwillingness to work with the Senate to provide access to documents of the exact same type as have been provided in past nominations for lifetime and short-term appointments has proven to be a significant problem. The opposition to the Sutton nomination is also extensive. The unprecedented nature of a President re-nominating someone for the same judicial position after a defeat in committee has led to the very controversial Owen nomination pending on the floor with the assent of only the Republicans on the committee. The chairman's decision to hold a hearing on the controversial Judge Kuhl, despite objections of one of her home state Senators, is also problematic and is something that he never did, not once, when there was a Democrat in the White House.

Nonetheless, the Senate has proceeded to confirm 116 of President Bush's judicial nominees, including 16 this year alone and another today. It was not until September 1999, 9 months into the year, that 16 of President Clinton's judicial nominees were confirmed in the first session of the last Congress in which Republicans controlled the Senate majority. At the pace set by Republicans now, we are 6 months ahead of that schedule.

The confirmation of Judge Carney will fill the last current vacancy in the Federal district courts in California. This nomination is a good example of the kind of bipartisan-supported candidates the President ought to be sending the Senate. Judge Carney comes to us after being unanimously approved by California's Bipartisan Judicial Advisory Committee—a committee established through an agreement Senator FEINSTEIN and Senator BOXER reached with the White House. This is one of the few bipartisan commissions that the White House has allowed to proceed, although the White House has not moved forward with some of its bipartisan, qualified recommendations. This California committee works to take the politics out of judicial nominations. It reviews qualified, consensus nominees who will serve on the Federal judiciary with distinction. Too often in the last 2 years we have seen the recommendations of such bipartisan panels rejected or stalled at the White House. Instead, they should be honored and encouraged.

Judge Carney has served as a Superior Court Judge in the State of California since 2001. Judge Carney was a

partner with the law firm of O'Melveny & Myers handling civil matters before he was appointed to the State court bench in 2001. He played professional football before going to law school and has served in the Air Force Reserve.

Two other district judges in California have already been unanimously confirmed this year, Judge Selna and Judge Otero. Last Congress, led by a Democratic Senate majority, the Senate confirmed four nominees to the Federal district courts in California. Percy Anderson and John Walter were confirmed to the U.S. District Court for the Central District of California on April 25, 2002, just 3 months after their initial nominations. The Senate also confirmed Robert G. Klausner to be a U.S. District Judge for the Central District of California on July 18, 2002, and Jeffrey S. White to be a U.S. District Court Judge for the Northern District of California on November 14, 2002. The Senate has now filled all seven of the vacancies on the Federal trial courts in California that we inherited.

Last year, at the urging of Senator FEINSTEIN and the chief judge of the district, we included in the 21st Century Department of Justice Appropriations Authorization Act, five additional judgeships for the Southern District of California. We also included an additional position for the Central District of California. By mid-July California will have six important vacancies to be filled. I look forward to working with the Senators from California to proceed, if possible, in advance of July on additional nominations so that these much-needed seats can be filled quickly with fair, mainstream nominees. It is unfortunate that the President, who has had notice of these upcoming vacancies for some time, has not worked with the California Senators and their bipartisan commissions to send consensus nominees to the Senate.

I congratulate Judge Carney, his family, and the Senators from California on his confirmation.

● Mr. NELSON of Florida. Mr. President, I want to express my support for the nomination of Cormac J. Carney to be U.S. District Judge, for the Central District of California. Mr. Carney has the knowledge, experience and personal characteristics needed to succeed on the Federal bench.

Unfortunately, due to inclement weather, I was unable to return to Washington in time for the vote to confirm Mr. Carney, but I would like the RECORD to reflect that, had I been present, I would have cast my vote in favor of his confirmation.●

The PRESIDING OFFICER. The President will be immediately notified of this action.

LEGISLATIVE SESSION

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

The Democratic leader.

TRIBUTE TO PRIVATE FIRST CLASS LORI PIESTEWA

Mr. DASCHLE. Mr. President, I want to take just a couple of minutes of my leader time to make a statement with regard to a very special young woman.

Throughout America—especially in Native American communities—Americans are grieving the loss in combat of Army PFC Lori Piestewa. But we are also feeling pride for Lori Piestewa's remarkable life.

PFC Piestewa was a member of the Army mechanics unit that was ambushed by Iraqi soldiers on March 23.

Her body, and the remains of eight other soldiers, were recovered last week from a hospital in southern Iraq when Special Forces stormed the hospital to rescue another member of the 507th Maintenance Company, PFC Jessica Lynch.

Private Piestewa is the first Native American woman in the U.S. Armed Forces ever to die as a result of combat.

She was 23 years old. She leaves behind two small children—a 4-year-old son and a 3-year-old daughter. . . .

She also leaves behind a brokenhearted but proud family—and countless friends.

There are more than 12,000 Native Americans serving in our military today—including many from my State of South Dakota.

They and Private Piestewa are part of a noble tradition that too few Americans know much about.

It is a tradition that includes heroes like the ''Code Talkers'' of World War II—the service members from the Lakota, Navajo and other Indian nations who developed the only military code that was never broken by the Japanese.

The Code Talkers were key to U.S. victories throughout the Pacific theater. Their service helped turn the tide of the war—and saved untold numbers of American lives.

Today, Private Piestewa takes her place alongside them as an American who risked everything to protect her land and her people.

Over the weekend, memorials began to appear all over the reservation near Tuba City, AZ, where Private Piestewa grew up and where her family still lives.

At one of the memorials, someone left a group of red, white, and blue balloons. Included in the bunch was one green balloon, the team color for Tuba City High School, where Lori Piestewa had been a softball star and a junior ROTC commander.

On May 24, Private Piestewa will be honored at another memorial. Red rose petals will be place in her honor in the reflecting pool of the Women in Military Service for American Memorial at Arlington National Cemetery.

When I heard about the memorials to Private Piestewa, I thought of another cemetery—at Wounded Knee, on the Pine Ridge reservation in South Dakota.

I remember the first time I visited it. As I walked toward the cemetery, I was surprised to see little American flags dotting many of the graves. When I got close enough to read the headstones, I could see that many of the people there were veterans.

Some—like Private Piestewa—had died in the service. Others had died years after they took off the uniform. But they wanted it recorded on their graves: This person loved this Nation.

I have never seen a more profound expression of American patriotism.

The thoughts and prayers of our Nation are with the family and friends of PFC Lori Piestewa.

She was an American hero. We are deeply grateful to her for her service and sacrifice—and to all Native Americans who are serving, and have served, our Nation in uniform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I compliment the distinguished minority leader for this very sensitive and very important statement about this wonderful person. As someone who belongs to a family which has lost my older brother, and lost a brother-in-law—an older brother in the Second World War, and brother-in-law in Vietnam—and then have another brother-in-law who is suffering tremendously from his war wounds, who fought both in the Inchon Reservoir in Korea and also in Vietnam, I have to say these are the greatest of all Americans. I really appreciate his sensitivity in delivering this message for the Senate here today.

EXECUTIVE SESSION

NOMINATION OF PRISCILLA RICHMAN OWEN, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

Mr. HATCH. Mr. President, I ask unanimous consent the Senate now resume executive session for the consideration of Calendar No. 86, Priscilla Richman Owen, of Texas, to be U.S. Circuit Judge for the Fifth Circuit.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I hoped my friend in his statement tonight would indicate why we are moving to this woman, when we have people here—we have Edward Prado, who is from Texas, Dee Drell from Louisiana, Richard Bennett from Maryland—who, it appears, will go through here very easily.

My friend should understand, as I told him privately, there will be some people wanting to speak about this at some length.

The majority leader has indicated there will be no more votes today so there is no need for anyone to hang around on this tonight—that's true? You are going to speak, but there is

going to be no action taken on this other than the motion?

Mr. HATCH. There will be no action on this tonight.

Mr. REID. I withdraw any objection.

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

The clerk will report.

The legislative clerk read the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, to answer my distinguished friend, the reason Priscilla Owen is being brought up today is because we are gradually trying to move the President's nominees as quickly as we can. She was nominated on May 9, 2001, almost 2 years ago. I am trying to do it, as close as I can, in chronological order, which seems to me to be the way to go, when I can.

I am not the only one who made this decision; a number of people did, including the majority leader, who desired to bring Priscilla Owen up today. I commend him because she really deserves to be brought up at this particular time. She has been waiting for almost 2 years and went through what I consider to be a tremendously insensitive hearing when the Democrats controlled the committee, and then came back for another hearing just a short while ago, where I think she more than substantiated the reasons why the President would have picked her to be a nominee for the Circuit Court of Appeals.

So I rise today to express my enthusiastic support for the confirmation of Justice Priscilla Owen to the Fifth Circuit Court of Appeals.

The Senate's consideration of Justice Owen's nomination is important. It is important because it represents an opportunity to remedy the mistreatment Justice Owen received last September when she was voted down in the Judiciary Committee along party lines and not allowed a vote on the Senate floor, where she would have been confirmed by Members of both parties. The decision by the committee last September was unprecedented, representing the first time a nominee rated unanimously well qualified by the American Bar Association had been voted down by the Judiciary Committee. This is despite the fact that Justice Owen had—as she does today—the full, unqualified support of her home State Senators, both of whom testified on her behalf.

It is important to note that with regard to circuit court of appeals nominees, it is important to have the support of both Senators, but it is not absolutely essential. In the case of district court judges, it has been all but essential. The reason is that circuit court of appeals nominees represent not just one State but a whole series of States, as is the case in the Fifth Circuit.

It is important because this nomination will demonstrate whether the senate will be fair to a qualified nominee and provide an up and down vote. This isn't just a qualified nominee; this is a well-qualified nominee, according to the American Bar Association.

It is perhaps most important because we have the opportunity to place a great judge on the Fifth Circuit Court of Appeals.

Three weeks ago we took the first step in remedying the wrongful treatment inflicted on Justice Owen last fall by holding an open hearing in which I invited all Members to come and ask her questions. Members were also free to submit any written questions following the close of the hearing. The hearing was informative. It was productive. Justice Owen answered every question during the hearing and responded to lengthy written questions with substantive can cogent answers. As she has done throughout this process, Justice Owen consistently demonstrated her intelligence, her legal acumen, and her respect for the law.

The hearing was valuable for several reasons. First, the hearing allowed us to obtain some much needed perspective and insights from Senator CORNYN, who, as we all know, served with Justice Owen on the Texas Supreme Court and observed her work as a judge day to day for 3 years in hundreds of cases. He knows her. He knows what it is to be a judge and to be called upon to make hard decisions in close cases. He knows the workings of the Texas Supreme Court. He was most helpful in placing into proper context what outsiders seem to think was extremely unusual or striking criticism from her court colleagues in a few cases—and darn few cases.

Senator CORNYN showed that this type of talk is common among court members and that such criticism is perfectly normal and even healthy for a well-functioning judiciary. Judges disagree from time to time, and they may express themselves with fervor during such times. That is to be expected. Senator CORNYN personally attested to Justice Owen's dedication to her judicial duties. He has seen the work and the care she puts into deciding each case. He also attested to her commitment to enforcing the will of the legislature. As Senator CORNYN said.

> I know [Justice Owen] is a good judge who always tries to faithfully read and apply the law. That is simply what good judges do, and we can ask for nothing more.

In this regard, it strikes me once again as significant that the two individuals conscripted as star witnesses to discredit Justice Owen as an activist judge—Judge Alberto Gonzales and Senator CORNYN—are actually two of her biggest supporters and attest to her fitness for the bench and for this position on the Fifth Circuit Court of Appeals. Nothing can change that fact no matter how hard some try to pretend otherwise.

Justice Owen is also firmly supported by former Texas Supreme Court Chief Justice John L. Hill and former Justices Jack Hightower and Raul Gonzalez, all of whom are Democrats and all of whom know Justice Owen's record. Justices Hightower and Gonzalez have the additional perspective of judges who personally served with Justice Owen. Fifteen past presidents of the Texas State Bar, Democrats and Republicans alike, have enthusiastically endorsed her. Those who know Justice Owen and her record best know she will make an excellent Federal circuit court of appeals judge.

Second, the hearing allowed us to set the record straight: Justice Owen does not engaged in results-oriented jurisprudence nor does she see such practices as desirable or legitimate in any manner. In addition, there is no credible evidence that Justice Owen harbors biases against plaintiffs or defendants or favors one interest over another. Some have charged that she consistently rules against certain plaintiffs and legal rights. Justice Owen has provided the committee with a long list of decisions which refute that charge. One the issue of results-oriented decisionmaking, let me quote what she said to Senator KENNEDY on this subject:

> I do not try to achieve a result, and I don't look at whether I want one side to win or the other side or one segment of our population to be favored over another. That is not my job.

Later she said, regarding her decisions:

> Sometimes workers win, sometimes big companies win. The outcome is determined by the law applied to the facts, not my favoring one side or the other.

These are the words of a judge who understand her role and respects the limits of her judicial authority. We don't need politicians and legislators dedicated to achieving certain results, policies, or outcomes serving on the bench as judges who would do the same.

Incidentally, I find it particularly ironic that on the one hand, Justice Owen is faulted by some for engaging in results-oriented decisionmaking, and, on the other hand, she is faulted for not engaging in what amounts to results-oriented decisionmaking. Thus she is criticized for not reaching ''balance'' in her decisions, for voting too often or too infrequently—take your pick—in the majority or dissent—take your pick—in particular types of cases—take your pick—or for not sticking up for, showing sufficient ''sympathy'' for, or displaying enough ''dedication'' to, certain types of litigants.

Of course, we should shun jurists who are looking to achieve ''balance'' in their decisions or do what may be popular or controversial in a case—apart from what an honest reading of the law and facts in that case would dictate. And it is serious error—indeed, a misunderstanding of the role of our independent judiciary—to simply translate

a judge's decision in a certain case as that judge's intent to achieve a certain outcome or set some broad policy that will favor or prove ''hostile'' to certain types of future litigants. A decision naturally will prove ''detrimental'' to one of the parties—one side loses the case—but we can hardly criticize the judge who is following the law as passed by the legislature. It is not a matter of looking to see whether some partisan interest group has characterized a judge as ''deaf'' to certain concerns or ''coldhearted'' to certain plaintiffs; it is a matter of looking to see whether a judge can put aside personal feelings and apply the law.

Sometimes, as Senator CORNYN helpfully pointed out during the hearing 2 weeks ago, a judge may or may not like the posture of the case or the record developed in the lower court, but an appellate judge must take the case as it is and make the best decision based upon the law and the facts. That is a judge's job, that is what we expect judges to do, and that is all we should expect judges to do. Justice Owens has lived up to that standard.

Third, the hearing set the record straight on Justice Owen's decisions in judicial bypass cases. No matter how much some would prefer to argue the point, these cases were not about the right to an abortion. There was never any question about the girls' right to an abortion. Indeed, Justice Owen argued in the Doe 2 case that, based on a 1990 Supreme Court decision striking down a Minnesota statute requiring a minor girl to obtain consent from both parents, a statute requiring a girl to notify both parents would also be questionable under the Constitution. Clearly, Justice Owen recognizes a woman's right to obtain an abortion. These cases were about whether a minor girl should be required to notify one parent before obtaining an abortion, in accordance with the Texas state legislation enactments. And Justice Owen has been well within the mainstream of her court in the 14 decided cases, joining the majority judgment in 11 of those cases.

And we should never lose track of the fact that out of the close to 800 bypass cases since the Texas statute was passed, a mere 12 girls have appealed all the way to the Texas Supreme Court. These are usually the toughest cases. By this time, two courts—the trial and the appeals courts—have already considered the bypass petitions and turned them down. Given the deference appellate courts must pay to the findings of the trial court—the court which is in the very best position to listen to the girl, consider all relevant evidence, and hear the arguments—the decision is likely to affirm the lower court rulings denying a bypass. That should be no great surprise. Certainly Justice Owen and her colleagues on the Texas Supreme Court disagreed in some cases, but in all cases there was a genuine effort to apply applicable precedent.

These parental consent cases show that Justice Owen takes Supreme Court precedent seriously: she looks to precedent for guidance, she cites it, and she makes a good-faith effort to apply it to the case at hand. She understands the rules of appellate review and takes pains to follow them. She is a judge who defers to the legislature's considered judgment in its policy choices and earnestly seeks to ascertain legislative intent in her rulings. None of her opinions, to quote the Washington Post, ''seem[] to us [to be] beyond the range of reasonable judicial disagreement.''

I have been on the Judiciary Committee a long time—27 years now—and I have seen many, many nominees come through the committee. Justice Owen takes a backseat to no one. She has shown herself to be a brilliant, fair, and restrained jurist who will be a strong credit to the Federal courts. Simply put, Justice Owen deserves to be on the bench. I urge my colleagues to do what is right and join me in supporting her confirmation to the Fifth Circuit Court of Appeals.

Mr. President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

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

POLITICAL AND LEGAL REFORM IN EGYPT

Mr. MCCONNELL. Mr. President, the supplemental appropriations bill passed by the Senate last week includes $3 million for the Government of Egypt and up to $2 billion in future loan guarantees. While Egypt remains an important ally of the United States and a partner in our on-going war against terrorism, I continue to be extremely concerned about that country's lack of political, legal, and democratic reforms.

We provide substantial assistance to Egypt on an annual basis. We did so in this supplemental. While loan guarantees and other forms of economic aid may be beneficial to Egypt, we are doing far too little to promote political reforms that would benefit the Egyptian people. It is no secret that I have long felt that the Department of State and the U.S. Agency for International Development need to do a better job in implementing democracy programs in Egypt that are both substantive and effective. This will require State and USAID to be aggressive in engaging the Egyptians on this issue on an ongoing and consistent basis. To date, this has yet to happen.

Waiting for the Egyptians to engage us on democracy programs is simply not an option.

Some may point to the recent release from jail of sociologist Dr. Saad Eddin Ibrahim, an Egyptian-American who was subjected to a political show trial, as evidence of political and legal reform in Egypt. It is not. Dr. Ibrahim should never have been arrested, should never have been tried, and should never have been jailed. Dr. Ibrahim's only 'crime' was to criticize the Egyptian government and to call for greater freedoms.

I continue to hope that the Secretary of State Colin Powell will clearly, publicly, and forcefully register the concerns of the United States regarding Egypt's commitment to human rights and democracy. It is not unreasonable for the United States to expect its allies to live up to basic standards of human rights and political freedom.

VOTE EXPLANATION

Mr. BUNNING. Mr. President, I was necessarily absent for rollcall vote No. 124 on the Kohl Amendment No. 455 and rollcall vote No. 125 on S. 762, and my position on both votes was left out of the RECORD.

Were I present for those votes, I would have voted in favor of both the Kohl Amendment and S. 762.

TRIBUTE TO PFC HOWARD JOHNSON II

Mr. SESSIONS. Mr. President, I rise today in memory of PFC Howard Johnson II. Private Johnson perished when his supply convoy was ambushed in the Iraqi city of Nasiriyah. He served his country with dignity, honor, courage and integrity.

America extends her sincerest sympathy to the family and friends of PFC Howard Johnson II upon his death in combat in the service of his country. It is a great form of love to give oneself courageously in unity with others to make our country safer and to create a better life for those long oppressed.

After completing the LeFlore High School ROTC, Private Johnson joined the Army and served in a critical role in the 507th Maintenance Company. The unit was ordered to Iraq and was attempting to provide service and support to forces moving north, where they were attacked and he was killed. He has left behind loving parents, whose lives have been given to the service of the Lord.

Private Johnson is survived by his father, Rev. Howard Johnson, his mother, Gloria Johnson, and two sisters,

Zsaquez Johnson and Geiselle LaVonne Johnson Edwards. His father Reverend Johnson, pastor of Truevine Missionary Baptist Church, is a distinguished pastor and community leader in the Mobile area, with whom I have worked on projects to make Mobile a better place for all. His family grieves for their loss but take comfort in the fact that he told his father, as he was leaving to go to Kuwait, he knew God was with him.

Private Johnson sacrificed his life for the betterment of America. This nation shall never forget all that he and many others have given to our country. Our prayers are that God will have mercy on all those who come before him; also, that he grant this family and the world the true peace that passes all understanding.

CBO REPORT

Mr. DOMENICI. Mr. President, at the time Senate Report No. 108–21 was filed for S. 212, High Plains Aquifer, the Congressional Budget Office report was not available. For the benefit of the Members and the public, the following link to the CBO report is: *ftp://ftp.cbo.gov/41xx/doc4123/s212.pdf*.

MELTING GUN VIOLENCE

Mr. LEVIN. Mr. President, last week the Detroit Police Department destroyed 5,037 guns by taking them to the Rouge Steel Company in Dearborn, MI, and melting them into recycled steel. Two dump trucks traveled under guard to deliver the weapons, which apparently included AK 47s, sawed off shotguns, Uzis and machine guns, from police headquarters to the steel plant. At the plant, steelworkers melted the firearms by pouring 2,600 degree molten steel over them.

Detroit Police Chief Jerry Oliver said that taking these guns out of circulation will save lives. That is good news. Last year alone, 26 children lost their lives in incidents of gun violence in Detroit. The Detroit Police Department has been working hard to reduce gun violence in the city. And every gun that's taken off the street helps make this job a little bit easier.

The fight to reduce gun violence must be waged on many fronts. We need to keep guns out of the hands of criminals, prevent children from gaining access to firearms, and give law enforcement the resources they need to thoroughly investigate gun-related crimes. At the same time, we have to vigorously prosecute criminals who commit gun-related crimes.

We in the Senate should take up and pass common sense gun safety legislation. And we need to provide adequate resources to police departments. Unfortunately, we are fighting an uphill battle. Common sense gun safety legislation is blocked by the National Rifle Association and its allies. The President's budget proposes massive cuts to COPs and other critical law enforcement programs. And Attorney General Ashcroft, while indicating the Bush Administration's support for the current ban on assault weapons, recently refused to support reauthorization of the ban.

Melting those guns in Dearborn last week was a welcome event for all of us who care about reducing gun violence. But it would surely have been better if those guns had never made it onto the street in the first place. Absent adequate funding for police departments and the passage of common sense legislation to keep guns out of the hands of criminals, I fear that truckloads of guns will remain on our streets, in the hands of criminals, threatening our communities. I urge my colleagues to join me in working to restore funding for COPs, close the gun show loophole, and reauthorize the assault weapons ban this year.

ADDITIONAL STATEMENTS

TRIBUTE TO THE MT. CARMEL REGIONAL MEDICAL CENTER

• Mr. BROWNBACK. Mr. President, I rise today to recognize Mt. Carmel Regional Medical Center in Pittsburg, KS for its 100 years of providing healthcare services to the people of Crawford County and the surrounding region.

From a handful of Sisters of St. Joseph of Wichita and only a few doctors a century ago to more than 800 employees, 200 volunteers and 50 physicians, Mt. Carmel Regional Medical Center has remained true to its founder's directive to ''Do all the good you can, to all the people you can, in all the ways that you can, and just as long as you can.''

On a rainy April morning in 1903, Mother Bernard Sheridan and five Sisters answered a call to serve in a region where countless immigrant miners and their families had flocked to work in the coalfields, a place where injury and illness were rampant. One of the Sisters described the deplorable conditions: ''When the miner's wife or children fell ill as a result of these unsanitary conditions, or when the miner himself was carried out of the pit broken and bloody or overcome by gas or powder fumes, there was no sickroom but the hot, crowded, dust-covered, fly-infested shack.'' With faith and little more than $5 in her pocket, Mother Bernard opened a hospital to serve those as they would ''that God should deal with themselves and their loved ones.'' The hospital was the first of many healthcare ministries the Sisters would later sponsor throughout Kansas, Oklahoma, Colorado and California.

The little hospital could accommodate 20 patients at the time of its opening, and there was no paid staff. The six women worked 7 days a week attending to the nursing, cooking, laundry, cleaning and minding of the furnace. Eighteen-hour workdays were common, and when time allowed, the sisters slept in the attic. To aid in the hospital's survival, the Sisters worked out an agreement with the Santa Fe Operating Companies to care for the firm's employees for $80 and 15 tons of coal a month, an early example of managed care. The Sisters also created Kansas' first prepaid hospital insurance plan. For 25 cents a month, miners and their families were assured hospital care for as long as it was needed. Moreover, addressing their own nursing shortage, in 1904, the Sisters opened a school of nursing which continued into the 1970s when it was transformed into the present day university nursing education program.

Mr. President, 100 years later, Mt. Carmel Regional Medical Center is a state-of-the-art facility serving nine counties of southeast Kansas, and it continues to be a leader in meeting community need with creativity and innovation. Mt. Carmel has overcome the early-day adversities of Kansas blizzards and oven-hot winds, numerous epidemics, war, drought, floods, mine strikes and shutdowns; to present day difficulties of escalating operating costs, third party payer cutbacks and work force shortages. So well did the hospital adapt, that it was recognized by the American Hospital Association in 1991 as one of the three best hospitals in the Nation to respond to the changes in health care.

Mt. Carmel continues to meet the needs of those it serves, identifying health care issues and addressing them with the same ingenuity and collaboration its founder relied upon in the beginning. It holds fast to its mission of providing healthcare to all, regardless of ability to pay. Mt. Carmel has addressed the region's need for comprehensive cancer care with the creation of a certified community cancer center; and it is now aggressively fighting heart disease through the opening of a regional heart center. It has collaborated with others to create high quality, affordable childcare for working families and has provided accessible healthcare services through the creation of a community health clinic, recently transformed into a federally qualified health center. It has developed one of the few free dental clinics in the State, and a prescription drug assistance program to aid those who cannot afford them. Mt. Carmel has developed a congregational health ministry that actively involves and encourages area churches not only to take care of their own, but to put their faith in action for the betterment of their community.

On the occasion of its centennial, Mt. Carmel Regional Medical Center looks to the future as it completes the most significant expansion and renovation in its history. A $16.5 million Outpatient Services project doubled the facility's ground floor square footage and included the opening of the heart center, and the installation of one of the most powerful MRI units in the region. Also

completed were a new emergency department, expanded diagnostic imaging and surgery center, new occupational health and pre-op testing departments, expanded laboratory, pharmacy, medical records, patient registration, and financial services.

So much has changed since Mother Bernard Sheridan embarked on her first healing ministry 100 years ago. Mt. Carmel has grown, adapted, and positioned itself as a healthcare leader and visionary, while never forgetting its mission to do all the good it can. I welcome this opportunity to pay tribute to all that has and will be done by Mt. Carmel Regional Medical Center as its looks forward to yet another century of service.●

TRIBUTE TO ROSSI KATHERINE CLARK

● Mr. BUNNING. Mr. President, I rise today to pay tribute to Rossi Katherine Clark. The Kentucky Association for Gifted Education, KAGE, and the National Association for Gifted Children, NAGC, named Rossi the 2002–2003 NAGC Nicholas Green Distinguished Student in Kentucky.

A fourth grader from Floyd County, Rossi was chosen among many nominees considered by the Kentucky Association for Gifted Education. Rossi's love for the traditional music of East Kentucky, while actively pursuing new music, earned her the appreciation of some of Kentucky's better known fiddlers. Rossi has shared her love of the fiddle with fellow classmates and members of her community.

The NAGC Nicholas Green Distinguished Student Awards are named after a young gifted student named Nicholas Green who was killed at a young age. His parents, Reg and Maggie, donated his college savings to the National Association for Gifted Children.

Nominated by Linda Bartrum, Curriculum Resource Teacher, Floyd County Schools, Rossi has shown a commitment to excellence deserving of such a distinguished honor. Rossi's example demonstrates what you can achieve if you work hard and pursue your goals. I am convinced that Rossi will succeed as an outstanding musician and I am proud of her accomplishments.●

TRIBUTE TO KENNETH RAY McCARTHA

● Mr. SESSIONS. Mr. President, I take this opportunity to pay tribute to Kenneth Ray McCartha, who was an outstanding citizen of Alabama.

Mr. McCartha was a native of Crenshaw County, AL. He graduated from Greenville High School in 1956 and Troy State University in 1960. His exceptional banking career began in 1960 when he served with the Greenville Bank in Greenville, AL, leaving in 1963 to work as an Examiner with the Alabama State Banking Department. He graduated from the Graduate School of Banking of the South at Louisiana State University in 1968. He was promoted to Senior Bank Examiner in 1973 and appointed Deputy Superintendent of Banks in Alabama in 1974. He was appointed Acting Superintendent by Governor George C. Wallace in 1978 and reappointed by Governor Fob James in 1979. He was reappointed Superintendent of Banks by Governor Wallace in 1983 and held that position until 1985, resigning to resume the position as Deputy Superintendent under the State merit system. He served as Superintendent once again beginning in 1993, a position he held until his retirement on December 31, 1996. While serving in this position he also served as a member of the Alabama Securities Commission, the Alabama Agriculture Finance Authority, the Alabama higher Education Loan Corporation, and the Alabama Housing Finance Authority.

Following his retirement, he was an active participant in the accreditation process for banks with the Conference of State Bank Supervisors. CSBS is a national association of State officials responsible for chartering, supervising and regulating the Nation's State-chartered banks.

Mr. McCartha set a high standard of effectiveness, ethics and leadership and had a unique ability to build coalitions and find solutions to the many tough situations facing banks today.

I commend his life and his service to banking in the State of Alabama, and I am honored to come to the floor today to recognize his many accomplishments.●

MUSSELMAN HIGH SCHOOL PARTICIPATES IN WE THE PEOPLE NATIONAL FINALS

● Mr. ROCKEFELLER. Mr. President, on April 26, 2003, more than 1,200 students from across the United States will visit Washington, D.C. to compete in the national finals of the We the People: The Citizen and the Constitution program, a well-known educational program developed specifically to educate young people about the Constitution and the Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by Congress through the U.S. Department of Education.

I am proud to announce that the class from Musselman High School will represent the State of West Virginia in this national event. These young scholars from Inwood, WV, have worked conscientiously to reach the national finals by participating in both local and statewide competitions. As a result of their hard work, they have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The 3 day We the People national competition is modeled on hearings in the United States Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on constitutional topics. The students are given an opportunity to demonstrate their knowledge while they evaluate, take, and defend positions on relevant historical and contemporary issues. Their testimony is followed by a period of questioning by the judges who probe the students' depth of understanding and ability to apply their constitutional knowledge.

The We the People program provides curriculum and materials at upper elementary, middle, and high school levels. The curriculum not only enhances students' understanding of the institutions of American constitutional democracy, it also helps them identify the contemporary relevance of the Constitution and Bill of Rights. Critical thinking exercises, problem-solving activities, and cooperative learning techniques help develop the kind of participatory skills necessary for students to become active, responsible citizens.

Independent studies by the Educational Testing Service, ETS, revealed that students enrolled in the We the People program at upper elementary, middle, and high school levels ''significantly outperformed comparison students on every topic of the tests taken.'' Another study by Richard Brody at Stanford University discovered that students involved in the We the People program develop greater commitment to democratic principles and values than do students using traditional textbooks and approaches. Researchers at the Council for Basic Education noted:

> [T]eachers feel excited and renewed . . . . Students are enthusiastic about what they have been able to accomplish, especially in terms of their ability to carry out a reasoned argument. They have become energized about their place as citizens of the United States.

The class from Musselman High School is eager to participate in the national competition in Washington, D.C. It is inspiring to see these young people advocate the fundamental ideals and principles of our government, ideas that identify us as a people and bind us together as a nation. It is important for future generations to understand these values and principles which we hold as standards in our endeavor to preserve and realize the promise of our constitutional democracy. I believe these young West Virginians have already won a great deal through the knowledge they have gained, but I also wish them every success in the We the People competition.●

CELEBRATING THE 100TH ANNIVERSARY OF THE LITTLE SISTERS OF THE POOR

● Mr. CARPER. Mr. President, I rise today to celebrate the 100th anniversary of the Little Sisters of the Poor in caring for the elderly in Delaware. Since their opening in 1903, the Little Sisters have touched the lives of thousands of people. Sharing their homes

and hearts, they have cared for the elderly in the spirit of humble service.

The Congregation of the Little Sisters of the Poor has aided and given comfort to the impoverished elderly worldwide for over 163 years. This organization, which has spread its loving arms to over 30 countries worldwide, was founded by a group of caring women who were led by Jeanne Jugan. After taking in an elderly blind woman in 1839, Jeanne and two other women purchased a home where the poor could take shelter. Over the years, Jeanne took the place of the elderly women on the streets and began a campaign of soliciting in order to raise funds. By 1879, her ranks had grown to include 2,400 Little Sisters, and her beliefs and thoughtful nature had spread throughout Europe. Although Jeanne Jugan passed away later that year, she succeeded in inspiring and improving the lives of thousands of needy people.

Over the 163 years that the congregation has existed, the Congregation of the Little Sisters of the Poor has opened 242 homes that presently serve 22,000 residents. Their tireless efforts to bring comfort to those who need a shoulder to lean on shows that the Little Sisters not only represents the values of America but also the unremitting concern for one's neighbor.

The Little Sisters have faithfully served the people of Delaware for the last century. Opening St. Joseph's Home for the Aged on Fourth and Bancroft in Wilmington in 1903, the Little Sisters became a beloved and well-known part of the community. In 1978, the Jeanne Jugan residence opened in Newark, where the Little Sisters continue their work to this day, providing the highest possible level of care for their residents. The non-denominational home cares for low-income individuals of all racial and ethnic backgrounds.

The Little Sisters have provided care for over 4,700 people during their time in Delaware. Blessed by the generosity of the community in which they serve, the Sisters continue to work towards their mission of humble service to the elderly among us.

I rise today to commemorate all the work that has been done by the Little Sisters of the Poor in aiding the elderly. What began in 1839 as an effort to gather funds for a poor blind woman in France has become an international community of compassionate individuals who have chosen to give their lives in the attempt to improve the well being of the elderly.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated in 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 State submitting sundry nominations which were referred to the appropriate committees.

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

MESSAGES FROM THE HOUSE

At 3:00 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrent of the Senate:

H.R. 1559. An act making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes.

The message also announced that pursuant to 20 U.S.C. 4303, and the order of the House of January 8, 2003, the Speaker appoints the following Member of the House of Representatives to the Board of Trustees of Gallaudet University: Ms. WOOLSEY of California.

The message further announced that pursuant to 20 U.S.C. 955(b) note, the Minority Leader appoints the following Member of the House of Representatives to the National Council on the Arts for the 108th Congress: Ms. MCCOLLUM of Minnesota.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 196. A bill to establish a digital and wireless network technology program, and for other purposes (Rept. No. 108–34).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MILLER (for himself and Mr. CHAMBLISS):

S. 792. A bill to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940; to the Committee on Veterans' Affairs.

By Mr. BYRD (for himself and Mr. JEFFORDS):

S. 793. A bill to provide for increased energy savings and environmental benefits through the increased use of recovered mineral component in federally funded projects involving procurement of cement or concrete; to the Committee on Environment and Public Works.

By Mr. DURBIN (for himself, Mr. NELSON of Florida, Mr. JEFFORDS, Mr. CORZINE, Mr. REED, Mr. KENNEDY, and Mrs. BOXER):

S. 794. A bill to amend title 49, United States Code, to improve the system for enhancing automobile fuel efficiency, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN:

S. 795. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for enhancing motor vehicle fuel efficiency, and for other purposes; to the Committee on Finance.

By Ms. COLLINS:

S. 796. A bill to provide for the appointment of a Director of State and Local Government Coordination within the Department of Homeland Security and to transfer the Office for Domestic Preparedness to the Office of the Secretary of Homeland Security; to the Committee on Governmental Affairs.

By Mr. HATCH (for himself and Mr. SESSIONS):

S. 797. A bill to prevent the pretrial release of those who rape or kidnap children, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 798. A bill to assist the States in enforcing laws requiring registration of convicted sex offenders; to the Committee on the Judiciary.

By Mr. HATCH:

S. 799. A bill to require Federal agencies to establish procedures to facilitate the safe recovery of children reported missing within a public building; to the Committee on the Judiciary.

By Mr. HATCH:

S. 800. A bill to prevent the use of a misleading domain name with the intent to deceive a person into viewing obscenity on the Internet; to the Committee on the Judiciary.

By Mr. HATCH:

S. 801. A bill to provide for attempt liability for international parental kidnapping; to the Committee on the Judiciary.

By Mrs. CLINTON:

S. 802. A bill to establish procedures in public buildings regarding missing or lost children; to the Committee on the Judiciary.

By Mr. NELSON of Nebraska (for himself, Ms. MIKULSKI, Mr. DASCHLE, Mr. LEVIN, Mr. LEAHY, Mrs. CLINTON, Mr. CHAMBLISS, and Ms. COLLINS):

S. 803. A bill to amend the Internal Revenue Code of 1986 to allow a deduction to members of the Armed Forces reserves for contributions to savings accounts which may be used when the members are called to active duty; to the Committee on Finance.

By Mr. DORGAN (for himself and Mr. WARNER):

S. 804. A bill to amend the Internal Revenue Code of 1986 to allow a nonrefundable tax credit for contributions to congressional candidates; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. CORZINE, Mr. DASCHLE, Mr. KERRY, Mr. FEINGOLD, Mrs. MURRAY, and Mr. SCHUMER):

S. 805. A bill to enhance the rights of crime victims, to establish grants for local governments to assist crime victims, and for other purposes; to the Committee on the Judiciary.

By Mr. NELSON of Nebraska (for himself, Ms. MIKULSKI, Mr. DASCHLE, Mr. LEVIN, Mr. LEAHY, Mrs. CLINTON, Mr. BINGAMAN, and Mr. JOHNSON):

S. 806. A bill to improve the benefits and protections provided for regular and reserve members of the Armed Forces deployed or mobilized in the interests of the national security of the United States; to the Committee on Veterans' Affairs.

By Mr. SESSIONS (for himself and Mr. HATCH):

S. 807. A bill to amend title 18, United States Code, to provide a maximum term of supervised release of life for sex offenders; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 105. A resolution to authorize testimony and legal representation in State of New Hampshire v. Macy E. Morse, et al; considered and agreed to.

By Mr. COCHRAN (for himself, Mr. HARKIN, Mr. CHAMBLISS, Mr. ROBERTS, Mr. GRASSLEY, Mr. CONRAD, Mrs. DOLE, and Mr. LUGAR):

S. Res. 106. A resolution expressing the sense of the Senate with respect to the 50th anniversary of the Foreign Agricultural Service of the Department of Agriculture; considered and agreed to.

By Mr. CRAIG (for himself and Mr. REID):

S. Con. Res. 33. A concurrent resolution expressing the sense of the Congress regarding scleroderma; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 149

At the request of Mr. DEWINE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 149, a bill to improve investigation and prosecution of sexual assault cases with DNA evidence, and for other purposes.

S. 157

At the request of Mr. CORZINE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 157, a bill to help protect the public against the threat of chemical attacks.

S. 171

At the request of Mr. DAYTON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 171, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 274

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 274, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 304

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 304, a bill to amend the Family and Medical Leave Act of 1993 to expand the scope of the Act, and for other purposes.

S. 369

At the request of Mr. THOMAS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 369, a bill to amend the Endangered Species Act of 1973 to improve the processes for listing, recovery planning, and delisting, and for other purposes.

S. 451

At the request of Ms. SNOWE, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Virginia (Mr. ALLEN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 451, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 486

At the request of Mr. DOMENICI, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 486, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 501

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 501, a bill to provide a grant program for gifted and talented students, and for other purposes.

S. 501

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 501, supra.

S. 539

At the request of Mr. DOMENICI, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 539, a bill to authorize appropriations for border and transportation security personnel and technology, and for other purposes.

S. 604

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 604, a bill to amend part D of title IV of the Social Security Act to provide grants to promote responsible fatherhood, and for other purposes.

S. 623

At the request of Mr. WARNER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 626

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 626, a bill to reduce the amount of paperwork for special education teachers, to make mediation mandatory for all legal disputes related to individualized education programs, and for other purposes.

S. 632

At the request of Mr. CRAIG, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Washington (Mrs. MURRAY), the Senator from Georgia (Mr. CHAMBLISS), the Senator from North Dakota (Mr. DORGAN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Washington (Ms. CANTWELL), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 632, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular disease.

S. 654

At the request of Ms. SNOWE, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 654, a bill to amend title XVIII of the Social Security Act to enhance the access of medicare beneficiaries who live in medically underserved areas to critical primary and preventive health care benefits, to improve the Medicare+Choice program, and for other purposes.

S. 665

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 665, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fishermen, and for other purposes.

S. 678

At the request of Mr. AKAKA, the names of the Senator from California (Mrs. BOXER) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 678, a bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 700

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 700, a bill to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence.

S. 726

At the request of Ms. STABENOW, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 726, a bill to treat the Tuesday next after the first Monday in November as a legal public holiday for purposes of Federal employment, and for other purposes.

S. 740

At the request of Mr. LIEBERMAN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. CORZINE), and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 740, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program.

S.J. RES. 1

At the request of Mr. KYL, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S. CON. RES. 18

At the request of Mr. LIEBERMAN, the names of the Senator from New York (Mrs. CLINTON), the Senator from Michigan (Mr. LEVIN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Louisiana (Mr. BREAUX), the Senator from Delaware (Mr. CARPER), the Senator from Massachusetts (Mr. KERRY), the Senator from Indiana (Mr. BAYH), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Con. Res. 18, a concurrent resolution expressing the sense of Congress that the United States should strive to prevent teen pregnancy by encouraging teenagers to view adolescence as a time for education and maturing and by educating teenagers about the negative consequences of early sexual activity; and for other purposes.

S. CON. RES. 31

At the request of Mr. LIEBERMAN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. Con. Res. 31, a concurrent resolution expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq.

S. RES. 90

At the request of Mr. BYRD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 90, a resolution expressing the sense of the Senate that the Senate strongly supports the nonproliferation programs of the United States.

S. RES. 97

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. Res. 97, a resolution expressing the sense of the Senate regarding the arrests of Cuban democracy activists by the Cuban Government.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. NELSON of Florida, Mr. JEFFORDS, Mr. CORZINE, Mr. REED, Mr. KENNEDY, and Mrs. BOXER):

S. 794. A bill to amend title 49, United States Code, to improve the system for enhancing automobile fuel efficiency, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN:

S. 795. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for enhancing motor vehicle fuel efficiency, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, today I rise to introduce a package of legislation—two bills—designed to put us back on track for improved fuel efficiency among automobiles.

I support a balanced, forward-looking energy policy, which should include a strong provision to lessen our dependence on foreign oil. In 2002, the Senate spent several weeks debating energy policy, including fuel efficiency. Unfortunately, a strong bill on this topic was not enacted into law last year.

Both chambers of Congress are currently crafting a national energy policy. As the challenging times we currently face demonstrates, we cannot delay in addressing our national energy policy, including oil consumption.

Throughout the debate on energy policy, I have emphasized that the best way to lessen our Nation's dependence on foreign oil is to improve the fuel efficiency of our automobiles. Transportation as a sector is the largest user of petroleum. If we are truly committed to crafting a forward-thinking energy policy, automobile fuel efficiency is the place to start.

In 1975 the United States Congress had a vision: to double the fuel efficiency of our Nation's passenger vehicles in ten years. By 1985 the automotive industry achieved the goal that Congress set. As of 2001, thanks to the Corporate Average Fuel Economy, CAFE, law, oil consumption was about 2.8 million barrels per day lower than it otherwise would be.

Unfortunately, progress is now at a stand-still, and in fact, the average fuel economy in the United States has slipped since 1985. Since peaking at 22.1 mpg in 1987 and 1998, average fuel economy declined nearly eight percent to 20.4 in 2001, lower than it had been at any time since 1980. Average fuel economy for automobiles 8,500 pounds and fewer continues to decline. One major factor in this regression is the fact that passenger standards have not increased since 1985. While the Bush Administration has recently increased non-passenger standards by a modest 1.5 mpg, this is not enough to compensate for the progress we have failed to achieve for more than a decade.

Another reason why we are losing ground in terms of fuel efficiency is the exploitation of the ''non-passenger vehicle'' category. Originally intended to cover trucks used for business-oriented purposes, such as farming and construction, this category soon was seriously abused, so that it now includes minivans, sport utility vehicles, SUVs, and cross-over utility vehicles, CUVs.

In addition, out-dated provisions of our tax code have encouraged increased manufacturing and purchasing of non-passenger vehicles. For example, the Federal gas guzzler excise tax, enacted in 1978, exempted non-passenger vehicles. At the time, few non-passenger vehicles existed, aside from heavy duty trucks and vans. But today, sales of SUVs, minivans, and CUVs make up over 30 percent of new vehicle purchases. As these sales have grown, these vehicles have enjoyed increasing subsidies by the Federal Government. In 1999, the SUV loophole in the gas guzzler tax cost the government $5.6 billion in uncollected taxes.

For those in America who want to make a difference in terms of energy policy: take a look at the parking lots across America. Take a look at the inefficient vehicles we are driving on the road today, because this Congress and country have not shown the leadership to spur development of more efficient cars and trucks in America.

We can improve the fuel efficiency of vehicles. We have done it in the past, and we can do it again. A panel at the National Academy of Sciences, the Union of Concerned Scientists, and other reputable organizations have documented the myriad technologies available today, and emerging technologies, that will reduce or eliminate the need for oil in our vehicles.

Today we squarely face the question and challenge of energy security. I believe American families are ready to do their part for their country by purchasing more fuel-efficient vehicles. And I believe the auto manufacturers, scientists and engineers of this country are ready to step up to the plate and produce more fuel-efficient vehicles. By supporting improved fuel economy, we can lead and demonstrate to future generations that we are prepared to make a sacrifice for our national security, environment, and public health.

Many have already voiced their support for decreasing our dependence on oil. I am submitting for the record several editorials, which are just a sample of the many public calls for enacting an energy policy that includes a way to conserve oil. I also am submitting letters from national organizations calling for more fuel efficient vehicles. I ask that these documents be printed in the RECORD at the end of my statement.

Today I am introducing two bills to get us back on the track of progress, to increase fuel efficiency for both passenger and non-passenger vehicles.

The Automobile Fuel Efficiency Improvements Act will increase the fuel economy standard for both types of vehicles. It will increase the CAFE standard of passenger automobiles to 40 miles a gallon by 2015, a 60 percent increase above the current average of 25 miles a gallon, with the first increase required in model year 2006. The bill also will increase the fuel economy of non-passenger automobiles to 27.5 miles a gallon by 2015, a 60 percent increase above the current average of 17.5 miles a gallon, with the first increase required in model year 2006. Through the CAFE standards required this bill, we will save a cumulative 123 billion gallons of gasoline, and over 250 million metric tons of carbon dioxide emissions, by 2015.

This bill also will close the loopholes in the non-passenger vehicle definition. It will update the weight cut-off for

passenger and non-passenger automobiles, to reflect changing trends in vehicle weight. Many vehicles, such as the new SUV called the Hummer, weigh more than 8,500 pounds, the current weight cut-off for regulation under CAFE. This bill will regulate vehicles up to 12,000 pounds, in order to prevent large passenger vehicles from circumventing the system. In addition, SUVs, minivans, and CUVs would be considered passenger vehicles under this bill.

Another provision of this bill would establish a Federal procurement requirement for the purchase of vehicles that exceed CAFE standards. The bill also requires a study to improve the accuracy of the EPA test for fuel economy, and would implement necessary changes to the test, so that we can better account for improvements in fuel efficiency based on how vehicles are truly performing on the roads. Finally, this bill would update the civil penalties for violating CAFE laws, to adjust the amounts for inflation.

The second bill I am introducing today, the Tax Incentives for Fuel Efficient Vehicles Act, would modify the tax code. First, this bill would create a new tax credit for purchasers of passenger and non-passenger vehicles that exceed CAFE standards by at least 5 miles a gallon. Second, this bill would modify the gas guzzler tax, effective at the beginning of Model Year 2006, so that SUVs and other passenger vehicles currently escaping the tax through an existing loophole would be included. Heavy-duty trucks and vans would continue to be excluded.

Modifying the gas guzzler tax to include SUVs, minivans, and CUVs will help us advance the policy goal of discouraging vehicles that are especially inefficient in terms of energy consumption, while at the same time raising revenues that can be used to provide an incentive for vehicles that are especially fuel-efficient. This approach will help spawn investment in automobiles that are better for our environment, energy security and consumers.

I would ask my colleagues to note that it is my intention that the Tax Incentives for Fuel Efficient Vehicles Act will have virtually no cost to the Federal Government. If the revenues raised by the expansion of the gas guzzler tax do not adequately compensate for the cost of the credit, I will adjust the size of the credit accordingly.

I am proud to have the support of Senators NELSON, FL, JEFFORDS, CORZINE, REED and KENNEDY in introducing the Automobile Fuel Efficiency Improvements Act. Also I am pleased that the following organizations are supporting the Automobile Fuel Efficiency Improvements Act: Sierra Club, Union of Concerned Scientists, Natural Resources Defense Council, U.S. PIRG, National Environmental Trust, Friends of the Earth, Public Citizen, The Wilderness Society, Citizen Action Illinois, Coalition on the Environment and Jewish Life, National Council of Churches, Hadassah, the Women's Zionist Organization of America, American Jewish Committee, Jewish Council for Public Affairs, Union of American Hebrew Congregations, Central Conference of American Rabbis, MoveOn, and Chesapeake Climate Action Network.

For the benefit of our children and future generations, I urge my colleagues to support this important legislation.

SIERRA CLUB,
Washington, DC, February 27, 2003.

DEAR CONGRESS MEMBER: Protecting our environment and the health and safety of our families are values that are clearly and consistently supported by the majority of Americans. As the nation's oldest and largest grassroots environmental organization, the Sierra Club looks forward to working with you and your staff to keep America's promise to leave a cleaner planet to future generations.

The challenge facing the 108th Congress is not merely to maintain existing protections, but to take common-sense steps to protect our communities from environmental hazards and to safeguard our natural heritage. Poll after poll confirms that Americans—regardless of demographics or political persuasion—care about protecting our special places, restoring our forests, promoting smart growth, and improving the safety or our clean air and water.

However, public support alone is not enough. It is for this reason that the Sierra Club works with our more than 750,000 members nationwide to educate their neighbors about environmental threats and opportunities, mobilize their communities to demand environmental protection, and to hold public officials accountable for their actions.

Sierra Club members are looking to their elected representatives to continue progress on protecting our communities, improving the quality of our air and water, and ensuring a natural heritage of wilderness, parks and open spaces for future generations. As the 108th Congress begins, I would like to inform you about the particular issues on which the Sierra Club's members will be seeking your support:

Oppose efforts to weaken the framework of existing laws that safeguard public health and the environment and improve the quality of our air and water, and protect our communities from toxic pollution;

Support measures that safeguard America's wildlife and unique natural heritage from Alaska's Arctic National Wildlife Refuge to the wildlands of Utah and California;

Provide adequate funding for the enforcement of environmental protection programs;

In reauthorizing TEA–21, give priority to maintaining existing roads and bridges over new construction, and defend the National Environmental Policy Act and Clean Air Conformity laws from attack;

Push for policies that reduce global warming pollution, reduce our dependence on fossil fuels and increase our energy security by increasing our fuel economy, energy efficiency and reliance on clean renewable sources of energy;

Protect the health and integrity of National Forests along with the public's right to participate in the management of our public lands;

Fully fund international and domestic family planning programs that are critically important to stabilizing population;

Ensure tough environmental standards in future US trade agreements, and the personal safety and civil liberties of those on the front lines of environmental protection around the world.

Many of your constituents are also our members, which is why we would like to work together in Washington and in your district to protect the land we all love. Attached is a contact sheet of our issue experts in several policy areas. If you have any questions about upcoming legislation, would like to find out more about Sierra Club positions, or would like to get in touch with our members in your district, please do not hesitate to contact us.

We look forward to continuing to work with you and your staff to protect America's environment, for our families, for our future.

Sincerely,

DEBBIE SEASE,
Legislative Director.

NATURAL RESOURCES DEFENSE COUNCIL,
Washington, DC, March 24, 2003.

[Re Boxer/Chafee amendment to the Senate budget resolution.

Hon. RICHARD J. DURBIN,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR DURBIN: On behalf of the over 550,000 members of Natural Resources Defense Council (NRDC), I thank you for supporting the Boxer/Chafee amendment to the Senate budget resolution preventing oil and gas development in the Arctic National Wildlife Refuge.

You have voted to insure the continued protection of the Arctic Refuge's ''biological heart,'' critical to nearly 200 species of wildlife. This area known as America's Serengeti serves as a denning area for polar bears in the winter, a nesting and/or feeding area for millions of migratory birds, and the calving grounds for the 130,000 member Porcupine caribou herd which returns every summer to calf and feed. This herd has supported the Gwich'in Indian's way of life for thousands of generations. The American public overwhelmingly agrees with you that the coastal plain—one of our nation's most spectacular wilderness areas—is too precious to destroy.

Drilling in the Arctic Refuge makes no sense. It won't lower gasoline prices and, it won't give us energy independence or security. The best estimate is that there is less than a six-month supply equivalency of oil that can be economically produced from the Refuge—a mere drop in the bucket—and, we won't get it for ten years.

Improving fuel efficiency of our automobiles is the cheapest, fastest and cleanest energy solution. Efficiency savings can be tapped immediately and would cost less than half as much as producing oil from the Arctic Refuge. Improving the fuel efficiency of America's automobile fleet by just one percent per year would save more than 10 times as much oil as is likely to be available in the Arctic Refuge. Advanced hybrid electric vehicles announced by Ford and already being produced by Honda and Toyota achieve about a 50% improvement in fuel economy. In contrast to drilling in the Arctic Refuge, increasing fuel efficiency will help slow down global warming.

We thank you for your leadership to save this irreplaceable natural treasure. We salute your dedication to the protection of this great crown jewel.

Sincerely yours,

JOHN H. ADAMS,
President, Natural Resources Defense Council.

[From the New York Times, Mar. 23, 2003]

THE MISSING ENERGY STRATEGY

The Senate struck a blow for the environment and for common sense last week, defeating President Bush's second attempt in less than a year to open the Arctic National Wildlife Refuge to oil exploration. Credit goes to the Democrats, who mainly held firm

in a close 52-to-48 vote, and to a small, sturdy group of moderate Republicans, which now includes Norm Coleman, a Minnesota freshman who wisely chose not to renege on his campaign promise to protect the refuge despite an aggressive sales pitch from senior Republicans and the White House.

The pitch included the usual hyperbole from the Alaska delegation, which typically inflates official estimates of economically recoverable oil in the refuge by a factor of four. It also included a new but equally spurious argument minted for the occasion, namely that rising gas prices and the war in Iraq made drilling more urgent than ever. In truth, Arctic oil will have no influence on gas prices until it actually comes out of the ground, and even then it is likely to reduce American dependence on foreign oil by only a few percentage points.

Nevertheless it is much too soon for the environmental community or its Senate champions, like Joseph Lieberman, John McCain and James Jeffords, to rest on their well-earned laurels. Drilling proposals will almost certainly resurface, most likely in energy bills now on the drawing boards in both the House and Senate. Beyond that, neither the White House nor the Republican leadership shows any appetite for developing what America really needs: innovative policies that point toward a cleaner, more efficient and less oil-dependent energy future. Instead, the White House and its Congressional allies continue to push a retrograde strategy—of which Arctic drilling was just one component—that faithfully caters to President Bush's friends in the oil, gas and coal industries and remains heavily biased toward the production of fossil fuels.

On this score, the energy bills now being drawn up on Capitol Hill offer no more hope than the 2002 models. Last year's energy plan, which mercifully expired in a conference committee, was top-heavy with subsidies for industry and light on incentives for energy efficiency, alternative fuels and other forms of conservation. The news from the relevant Congressional committees suggests more of the same. Just last week, Edward Markey of Massachusetts offered his colleagues on the House energy committee a proposal to increase fuel economy standards for cars and light trucks, including S.U.V.'s, by about 20 percent by 2010. This is not an unreasonable goal, given Detroit's technological capabilities, and would save 1.6 million barrels a day, more than double the recent imports from Iraq and far more than the Arctic refuge could produce in the same time frame. The committee crushed the idea.

The last two years have given the country plenty of reasons to re-examine its energy policies: a power crisis in California, the attacks of 9/11 and now a war in the very heart of the biggest oil patch in the world. It is plainly time to move forward in a systematic way with new ideas. But the best we can do, it appears, is to beat back bad ones.

[From the Fort Worth Star-Telegram, Nov. 8, 2002]

MORE PER GALLON

Standards: Congress must approve higher vehicle mileage requirements in order to reverse a troubling trend.

Body: Each year the Environmental Protection Agency trots out mileage ratings for new car models. And year after year, the news is depressing.

On Oct. 29, the EPA reported that the average fuel economy for all 2003-model cars and passenger trucks is a paltry 20.8 miles per gallon.

That's down slightly from last year. But more notably, it's 6 percent below the peak for passenger vehicle efficiency of 22.1 mpg set 15 years ago.

In the past decade and a half, automakers have made technological improvements that have increased engine efficiency significantly. But those gains have been offset by millions of Americans buying ever-larger gas guzzlers.

Much of the blame lies in Washington, where the Bush administration and Congress haven't been able to come to a consensus on energy policy and apparently lack the will to mandate even a modest increase in the Corporate Average Fuel Economy (CAFE) standards for vehicles.

Those standards—which haven't been changed for 17 years—require that each automaker's fleet of new cars averages 27.5 mpg. Light trucks (which include pickups, minivans and sport utility vehicles) must average only 20.7 mpg.

The solution is simple: Congress should raise the CAFE standards significantly, particularly for light trucks. But the new standards should be reasonable ones that automakers can meet.

Continued improvement in engine technology is one key to meeting higher standards.

Some mileage gains also can be achieved even if automakers make no further technological improvements and Congress continues to sit on its hands.

Higher mileage standards would cut fuel consumption, which in turn would reduce air pollution, decrease America's dependence on foreign oil, save motorists money at the pump and increase the chances that metropolitan areas such as North Texas will be able to attain federal air quality standards.

Those are compelling reasons for Congress and the White House to adopt standards that will, for a change, result in higher annual mileage ratings instead of continued declines.

[From the St. Petersburg Times, Nov. 16, 2002]

MORE FUEL-EFFICIENCY IS NEEDED

Americans are getting a confusing message on automobile mileage. ''By driving a more fuel-efficient vehicle, a vehicle powered by alternative fuels, or even by driving our current vehicles more efficiently, we can all do our part to reduce our Nation's reliance on imported oil and strengthen our energy security,'' Energy Secretary Spencer Abraham recently announced.

Good advice. But Abraham chose an odd occasion to make his appeal. He and Environmental Protection Agency chief Christie Whitman were announcing the mileage figures for 2003 cars and passenger trucks. The average of 20.8 MPG continued a downward trend on fuel efficiency that has continued for the past decade and a half.

In fact, the percentage of cars getting more than 30 MPG declined in the new model year to only 4 percent of cars, down from 6 percent last year. So it is even more difficult for American drivers to heed Abraham's call to conserve.

If President Bush, who is Abraham's boss, or Congress really wanted to lessen our dependence on foreign oil, they would have embraced tougher mileage requirements. Yet, Vice President Dick Cheney set the tone for the administration by scorning energy conservation. Congress also backed away from more stringent Corporate Average Fuel Economy standards, which have been frozen since 1994. Even pro-environment Democrats played along with the makers of gas-guzzling SUVs when the United Auto Workers union opposed improved fuel efficiency, arguing it would cost jobs (and union members).

Improving mileage isn't that difficult. ''We could be averaging close to 30 to 40 miles per gallon, and that's with conventional technology: nonhybrids, better engines, better transmission, improved aerodynamics,'' said David Friedman, a senior analyst with the Union of Concerned Scientists.

Instead, our wasteful ways complicate foreign policy in the Middle East, whose oil fuels not only our cars but also repressive regimes and terrorism. Soon enough, American soldiers could be in harm's way in the region. Rather than winking at the decline in fuel efficiency, our leaders should set about reversing the troubling trend.

The president and congressional leaders should require automakers to improve CAFE standards. They also should call on Americans to share the sacrifices that lie ahead. We are likely to respond.

[From the Los Angeles Times, Aug. 8, 2002]

STOP YOUR GROUSING, AUTO MAKERS, AND GET THE GASES OUT

(By Carl Zichella)

The auto industry howled when Gov. Gray Davis signed California's landmark global warming control bill. Litigation to overturn the new law, which restricts automobile emissions of carbon dioxide and other so-called greenhouse gases, was threatened before his signature was dry.

For auto industry observers, there was a sense of deja vu about this hysterical response. Every time the government has required new safety or efficiency standards, auto makers have claimed that the result would be financial ruin, the elimination of thousands of jobs and the loss of consumer choice.

The truth is that the industry was wrong at every turn, and it is wrong now. Car makers, instead of suing to overturn this much-needed law, should get busy complying with it. No new technology needs to be developed.

This is the industry that fought turn signals, seat belts and safety glass. Henry Ford II called laminated windshields, padded interiors and collapsible steering wheels ''unreasonable, arbitrary and technically unfeasible.''

When Congress required auto manufacturers to build cleaner cars in 1973, the industry response was hyperbolic. ''If GM is forced to introduce catalytic converter systems across the board . . . it is conceivable that complete stoppage of the entire production could occur,'' warned a GM vice president. The company easily complied, consumers benefited and GM suffered no appreciable hardship.

In 1974, a Ford official told a congressional committee that ''corporate average fuel economy''—CAFE—standards would ''result in a Ford product line consisting either of all sub-Pinto-sized vehicles or some mix of vehicles ranging from sub-sub-compact to perhaps a Maverick.'' That couldn't have been more wrong.

According to the Rocky Mountain Institute, from 1977 to 1983 American-built cars increased in efficiency by seven miles per gallon. From 1977 through 1985, the U.S. gross domestic product rose 27% while oil imports fell by 42%. OPEC lost an eighth of its market. Few public policies have ever been such a resounding success. Vehicle choice expanded while oil prices declined.

The sky isn't falling for auto manufacturers, but the planet is getting warmer, and the consequences for California are severe. If the snowpack in the Sierra declines, bitter competition for water will result since about 70% of California drinking water originates there.

Further, farmland will become more arid and sea levels will rise, reducing food production and flooding coastal cities. Forests will shrink and some of the most valuable wildlife habitat on Earth will vanish or be altered.

The good news is that some simple solutions are at hand. This year Ford sponsored a ''Future Truck'' competition for university engineering students to build more-efficient sport utility vehicles. If you believe the industry's rhetoric, you'd think that SUVs will be abolished. But Ford's ''Future Truck'' contestants showed the ridiculousness of this charge.

Students at the University of Wisconsin-Madison this year modified a Ford Explorer to get the equivalent of 38 mpg. Others built a GMC Suburban that emits about half the carbon dioxide of the production version. More-efficient vehicles mean less CO_2 emissions. You don't need to require mileage standards—something that federal law forbids the state to do—to get these benefits; all the state needs to do is require the auto makers use the best technology available.

If university students can do this, why can't the Big Three? Ford boasts that it plans to introduce a hybrid gas-electric SUV in 2003. This model would meet the standard far ahead of the new law's generous 2009 deadline. Instead of suing California, auto makers should do what is right and comply with the law.

● Mr. NELSON of FLORIDA. Mr. President, I am pleased to join with my colleague, Senator DURBIN of Illinois, and others, in introducing a Corporate Average Fuel Efficiency bill that requires passenger vehicles to have an average fuel efficiency of 40 miles per gallon and nonpassenger vehicles to have an average fuel efficiency 27.5 miles per gallon by 2015.

This proposal should be an important part of the upcoming debate on the energy needs of our country. I was very disappointed last year during the energy debate when several meaningful CAFE proposals were defeated.

Now, as we again embark on the important task of determining how our country's energy needs will be met in the coming decades, CAFE increases should be a part of the plan.

It has been said many times, but is worth repeating: the purpose of increasing CAFE is to reduce fuel consumption.

The U.S. consumes 25 percent of the world's oil, but only has 3 percent of the world's reserves—so we have to use less of it and find alternatives.

Our national security depends on it. If we don't have to rely on other countries, many of whom do not support our policies and may be in fact be working against us, for our energy, we as a nation are more secure.

And increasing CAFE protects the environment. Toxic air emissions and carbon dioxide emissions are reduced—thereby slowing global warming.

The automobile manufacturers won't embrace this proposal, but they should. The 2001 National Academy of Sciences' report said 40 mph is possible and feasible.

The technology exists to raise CAFE significantly with no net consumer costs. And, developing technologies, including hybrid vehicle designs, could improve vehicle fuel economy by 20–40 percent. We're perfectly willing to give auto manufacturers the lead time necessary to make these strides, but the benchmark has to be there to spur them into action.

The pay off to our national security, environment, level of technological expertise and market share will be worth the effort.

I have faith in the ingenuity of our automakers and the adaptability of the American consumer to make an increased CAFE standard profitable.

For these reasons, I lend my support to Senator DURBIN's measure and look forward to working with my colleagues on this issue during the upcoming energy debate.●

By Mr. DORGAN (for himself and Mr. WARNER):

S. 804. A bill to amend the Internal Revenue Code of 1986 to allow a nonrefundable tax credit for contributions to congressional candidates; to the Committee on Finance.

Mr. DORGAN. Mr. President, today, I am introducing a bill with my colleague from Virginia, Senator WARNER, that provides tax incentives for American families to participate in political campaigns. It will empower millions of Americans to become engaged in our political system, by providing a tax credit to those who donate money to congressional candidates.

As campaigns become more and more expensive, the number of small contributors is actually decreasing. The current campaign finance system is becoming dominated by big dollar contributors, a trend that is troubling to me.

Our bill would make middle income Americans more able to donate to candidates. Specifically, the bill would provide a maximum $400 tax credit to married couples earning up to $120,000 for their campaign contributions. For singles with income up to $60,000, the tax credit would apply to contributions up to $200. This credit will provide a dollar for dollar offset for contributions, an incentive that could encourage the many working families to consider contributions to the candidates of their choice.

This is not a new idea. This type of credit was a part of our tax system for more than a decade in the 1970s and 1980s. It has been a part of many campaign finance reform proposals over the years, proposals that have been introduced and supported by both Democrats and Republicans. And this policy proposal is the focus of a study last year by the American Enterprise Institute, AEI, which concluded that this approach would help to elevate small donors from the supporting role that they now play. So, our proposal has been successful in the past, and it has had broad support from both parties over the past thirty years.

Participation in the political process is key to a strong democracy. This bill will help broaden participation and will provide an incentive for more Americans to be included in political campaigns.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT FOR CONTRIBUTIONS TO CONGRESSIONAL CANDIDATES.

(a) GENERAL RULE.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

''SEC. 25C. CONTRIBUTIONS TO CONGRESSIONAL CANDIDATES.

''(a) GENERAL RULE.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the total of contributions to candidates for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.

''(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for a taxable year shall not exceed $200 ($400 in the case of a joint return).

''(c) VERIFICATION.—The credit allowed by subsection (a) shall be allowed, with respect to any contribution, only if such contribution is verified in such manner as the Secretary shall prescribe by regulations.

''(d) DEFINITIONS.—For purposes of this section—

''(1) CANDIDATE; CONTRIBUTION.—The terms 'candidate' and 'contribution' have the meanings given such terms in section 301 of the Federal Election Campaign Act of 1971.

''(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means any taxpayer whose adjusted gross income for the taxable year does not exceed $60,000 ($120,000 in the case of a joint return).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 642 of the Internal Revenue Code of 1986 (relating to special rules for credits and deductions of estates or trusts) is amended by adding at the end the following new subsection:

''(j) CREDIT FOR CERTAIN CONTRIBUTIONS NOT ALLOWED.—An estate or trust shall not be allowed the credit against tax provided by section 25C.''.

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25B the following new item:

''Sec. 25C. Contributions to congressional candidates.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to contributions made after the date of the enactment of this Act, in taxable years ending after such date.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. CORZINE, Mr. DASCHLE, Mr. KERRY, Mr. FEINGOLD, Mrs. MURRAY, and Mr. SCHUMER):

S. 805. A bill to enhance the rights of crime victims, to establish grants for local governments to assist crime victims, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, this past Sunday marked the beginning of National Crime Victims' Rights Week. We set this week aside each year to focus attention on the needs and rights of crime victims. I am pleased to take

this opportunity to introduce legislation with my good friend from Massachusetts, Senator KENNEDY, and our cosponsors, Senators CORZINE, KERRY, MURRAY, and SCHUMER. Our bill, the Crime Victims Assistance Act of 2003, represents the next step in our continuing efforts to afford dignity and recognition to victims of crime.

My involvement with crime victims began more than three decades ago when I served as State's Attorney in Chittenden County, VT, and witnessed first-hand the devastation of crime. I have worked ever since to ensure that the criminal justice system is one that respects the rights and dignity of victims of crime, rather than one that presents additional ordeals for those already victimized.

I am proud that Congress has been a significant part of the solution to provide victims with greater rights and assistance. Over the past two decades, Congress has passed several bills to this end. These bills have included: the Victims of Crime Act of 1984; the Victims' Bill of Rights of 1990; the Victims' Rights and Restitution Act of 1990; the Violence Against Women Act of 1994; the Mandatory Victims Restitution Act of 1996; the Victim Rights Clarification Act of 1997; the Crime Victims with Disabilities Awareness Act of 1998; the Victims of Trafficking and Violence Protection Act of 2000; the Victims of Terrorism Tax Relief Act of 2001; and the September 11th Victim Compensation Fund of 2001.

The legislation that we introduce today, the Crime Victims Assistance Act of 2003, builds upon this progress. It provides for comprehensive reform of the Federal law to establish enhanced rights and protections for victims of Federal crime. Among other things, our bill provides crime victims with the right to consult with the prosecution prior to detention hearings and the entry of plea agreements, and generally requires the courts to give greater consideration to the views and interests of the victim at all stages of the criminal justice process. Responding to concerns raised by victims of the Oklahoma City bombing, the bill provides standing for the prosecutor and the victim to assert the right of the victim to attend and observe the trial.

Assuring that victims are provided their statutorily guaranteed rights is a critical concern for all those involved in the administration of justice. Our bill would establish an administrative authority in the Department of Justice to receive and investigate victims' claims of unlawful or inappropriate action on the part of criminal justice and victims' service providers. Department of Justice employees who fail to comply with the law pertaining to the treatment of crime victims could face disciplinary sanctions, including suspension or termination of employment.

In addition to these improvements to the Federal system, the bill proposes several innovative new programs to help States provide better services to victims of State crimes. The bill authorizes technology grants for local authorities to develop state-of-the-art notification systems to keep victims informed of case developments and important dates. Grants would also be available to improve compliance with State victim's rights laws, encourage further experimentation with the community-based restorative justice model, streamline access to victim services through the use of case managers, and expand the capacity of victim service providers to serve victims with limited English proficiency.

Finally, the Crime Victims Assistance Act would improve the manner in which the Crime Victims Fund is managed and preserved. Most significantly, the bill would eliminate the annual cap on spending from the Fund, which has prevented millions of dollars of Fund deposits from reaching victims and supporting essential services. We should not be imposing artificial caps on VOCA spending while substantial unmet needs continue to exist. The Crime Victims Assistance Act would replace the cap with a self-regulating system, supported by crime victim groups, that would ensure the stability and protection of Fund assets, while allowing more money to be distributed for victim programs.

These are all matters that can be considered and enacted this year with a simple majority of both Houses of Congress. They need not overcome the delay and higher standards necessitated by proposing to amend the Constitution. They need not wait the hammering out of implementing legislation before making a difference in the lives of crime victims.

I have on several occasions noted my concern that we not dissipate the progress we could be making by focusing exclusively on efforts to amend the Constitution. Regretfully, many opportunities for progress have been squandered. One notable exception was the passage, as part of the USA PATRIOT Act of 2001, of several significant amendments to the Victims of Crime Act that Senator KENNEDY and I had proposed in an earlier version of the Crime Victims Assistance Act. I am glad that we could get those important provisions signed into law, but we still have more to do.

I look forward to continuing to work with the Administration, victims groups, prosecutors, judges and other interested parties on how we can most effectively enhance the rights of victims of crime. Congress and State legislatures have become more sensitive to crime victims rights over the past 20 years and we have an opportunity to make additional, significant progress this year to provide the greater voice and rights that crime victims deserve. It is my hope that Democrats and Republicans, and supporters and opponents of the proposed constitutional amendment, will join in advancing the Crime Victims Assistance Act through Congress. We can make a difference in the lives of crime victims right now.

I ask unanimous consent that the text of the bill and the section-by-section analysis be printed in the RECORD.

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

S. 805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Crime Victims Assistance Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—VICTIM RIGHTS IN THE FEDERAL SYSTEM

SEC. 101. RIGHT TO CONSULT CONCERNING DETENTION.

(a) RIGHT TO CONSULT CONCERNING DETENTION.—Section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) is amended by striking paragraph (2) and inserting the following:

''(2) A responsible official shall—

''(A) arrange for a victim to receive reasonable protection from a suspected offender and persons acting in concert with or at the behest of the suspected offender; and

''(B) consult with a victim prior to a detention hearing to obtain information that can be presented to the court on the issue of any threat the suspected offender may pose to the safety of the victim.''.

(b) COURT CONSIDERATION OF THE VIEWS OF VICTIMS.—Chapter 207 of title 18, United States Code, is amended—

(1) in section 3142—

(A) in subsection (g)—

(i) in paragraph (3), by striking ''and'' at the end;

(ii) by redesignating paragraph (4) as paragraph (5); and

(iii) by inserting after paragraph (3) the following:

''(4) the views of the victim; and''; and

(B) by adding at the end the following:

''(k) VIEWS OF THE VICTIM.—During a hearing under subsection (f), the judicial officer shall inquire of the attorney for the Government if the victim has been consulted on the issue of detention and the views of such victim, if any.''; and

(2) in section 3156(a)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) the term 'victim' includes all persons defined as victims in section 503(e)(2) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(e)(2)).''.

SEC. 102. RIGHT TO A SPEEDY TRIAL.

Section 3161(h)(8)(B) of title 18, United States Code, is amended by adding at the end the following:

''(v) The interests of the victim (as defined in section 503(e)(2) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(e)(2)) in the prompt and appropriate disposition of the case, free from unreasonable delay.''.

SEC. 103. RIGHT TO CONSULT CONCERNING PLEA.

(a) RIGHT TO CONSULT CONCERNING PLEA.—Section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) is amended—

(1) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) A responsible official shall make reasonable efforts to notify a victim of, and consider the views of a victim about, any proposed or contemplated plea agreement. In determining what is reasonable, the responsible official should consider factors relevant to the wisdom and practicality of giving notice and considering views in the context of the particular case, including—

''(A) the impact on public safety and risks to personal safety;

''(B) the number of victims;

''(C) the need for confidentiality, including whether the proposed plea involves confidential information or conditions; and

''(D) whether time is of the essence in negotiating or entering a proposed plea.''.

(b) COURT CONSIDERATION OF THE VIEWS OF VICTIMS.—Rule 11 of the Federal Rules of Criminal Procedure is amended—

(1) by redesignating subdivisions (g) and (h) as subdivisions (h) and (i), respectively; and

(2) by inserting after subdivision (f) the following:

''(g) VIEWS OF THE VICTIM.—Notwithstanding the acceptance of a plea of guilty, the court should not enter a judgment upon such plea without making inquiry of the attorney for the Government if the victim (as defined in section 503(e)(2) of the Victims' Rights and Restitution Act of 1990) has been consulted on the issue of the plea and the views of such victim, if any.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (b) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims to be heard on the issue of whether or not the court should accept a plea of guilty or nolo contendere.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (b), the amendments made by subsection (b) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (b), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (b) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the Judicial Conference of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 104. ENHANCED PARTICIPATORY RIGHTS AT TRIAL.

(a) AMENDMENTS TO VICTIM RIGHTS CLARIFICATION ACT.—Section 3510 of title 18, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

''(c) APPLICATION TO TELEVISED PROCEEDINGS.—This section applies to any victim viewing proceedings pursuant to section 235 of the Antiterrorism and Effective Death Penalty Act of 1996 (42 U.S.C. 10608), or any rule issued pursuant to that section.

''(d) STANDING.—

''(1) IN GENERAL.—At the request of any victim of an offense, the attorney for the Government may assert the right of the victim under this section to attend and observe the trial.

''(2) VICTIM STANDING.—If the attorney for the Government declines to assert the right of a victim under this section, then the victim has standing to assert such right.

''(3) APPELLATE REVIEW.—An adverse ruling on a motion or request by an attorney for the Government or a victim under this subsection may be appealed or petitioned under the rules governing appellate actions, provided that no appeal or petition shall constitute grounds for unreasonably delaying a criminal proceeding.''.

(b) AMENDMENT TO VICTIMS' RIGHTS AND RESTITUTION ACT OF 1990.— Section 502(b) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10606(b)) is amended—

(1) by amending paragraph (4) to read as follows:

''(4) The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim at trial would be materially affected if the victim heard the testimony of other witnesses.''; and

(2) in paragraph (5), by striking ''attorney'' and inserting ''the attorney''.

SEC. 105. ENHANCED PARTICIPATORY RIGHTS AT SENTENCING.

(a) VIEWS OF THE VICTIM.—Section 3553(a) of title 18, United States Code, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

''(7) the impact of the crime upon any victim of the offense as reflected in any victim impact statement and the views of any victim of the offense concerning punishment, if such statement or views are presented to the court; and''.

(b) ENHANCED RIGHT TO BE HEARD CONCERNING SENTENCE.—Rule 32 of the Federal Rules of Criminal Procedure is amended—

(1) in subdivision (c)(3)(E)—

(A) by striking ''if the sentence is to be imposed for a crime of violence or sexual abuse,''; and

(B) by inserting ''written or oral'' before ''statement''; and

(2) by amending subdivision (f) to read as follows:

''(f) DEFINITION.—For purposes of this rule, the term 'victim' means any individual against whom an offense has been committed for which a sentence is to be imposed, but the right of allocution under subdivision (c)(3)(E) may be exercised instead by—

''(1) a parent or legal guardian, if the victim is incompetent or has not reached 18 years of age; or

''(2) 1 or more family members or relatives designated by the court, if the victim is deceased or incapacitated,

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (b) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims to participate during the presentencing and sentencing phase of the criminal process.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (b), the amendments made by subsection (b) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (b), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (b) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the Judicial Conference of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 106. RIGHT TO NOTICE CONCERNING SENTENCE ADJUSTMENT, DISCHARGE FROM PSYCHIATRIC FACILITY, AND EXECUTIVE CLEMENCY.

(a) IN GENERAL.—Paragraph (6) of section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)), as redesignated by section 103 of this Act, is amended to read as follows:

''(6) After trial, a responsible official shall provide a victim the earliest possible notice of—

''(A) the scheduling of a parole hearing or a hearing on modification of probation or supervised release for the offender;

''(B) the escape, work release, furlough, discharge or conditional discharge, or any other form of release from custody of the offender, including an offender who was found not guilty by reason of insanity;

''(C) the grant of executive clemency, including any pardon, reprieve, commutation of sentence, or remission of fine, to the offender; and

''(D) the death of the offender, if the offender dies while in custody.''.

(b) REPORTING REQUIREMENT.—The Attorney General shall submit biannually to the Committees on the Judiciary of the House of Representatives and the Senate a report on executive clemency matters or cases delegated for review or investigation to the Attorney General by the President, including for each year—

(1) the number of petitions so delegated;

(2) the number of reports submitted to the President;

(3) the number of petitions for executive clemency granted and the number denied;

(4) the name of each person whose petition for executive clemency was granted or denied and the offenses of conviction of that person for which executive clemency was granted or denied; and

(5) with respect to any person granted executive clemency, the date that any victim of an offense that was the subject of that grant of executive clemency was notified, pursuant to Department of Justice regulations, of a petition for executive clemency, and whether such victim submitted a statement concerning the petition.

SEC. 107. PROCEDURES TO PROMOTE COMPLIANCE.

(a) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Attorney General of the United States shall promulgate regulations to enforce the rights of victims of crime described in section 502 of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10606) and to ensure compliance by responsible officials with the obligations described in section 503 of that Act (42 U.S.C. 10607).

(b) CONTENTS.—The regulations promulgated under subsection (a) shall—

(1) establish an administrative authority within the Department of Justice to receive and investigate complaints relating to the provision or violation of the rights of a crime victim;

(2) require a course of training for employees and offices of the Department of Justice that fail to comply with provisions of Federal law pertaining to the treatment of victims of crime, and otherwise assist such employees and offices in responding more effectively to the needs of victims;

(3) contain disciplinary sanctions, including suspension or termination from employment, for employees of the Department of Justice who willfully or wantonly fail to comply with provisions of Federal law pertaining to the treatment of victims of crime; and

(4) provide that the Attorney General, or the designee of the Attorney General, shall be the final arbiter of the complaint, and that there shall be no judicial review of the final decision of the Attorney General by a complainant.

TITLE II—VICTIM ASSISTANCE INITIATIVES

SEC. 201. PILOT PROGRAMS TO ENFORCE COMPLIANCE WITH STATE CRIME VICTIM'S RIGHTS LAWS.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) COMPLIANCE AUTHORITY.—The term ''compliance authority'' means 1 of the compliance authorities established and operated under a program under subsection (b) to enforce the rights of victims of crime.

(2) DIRECTOR.—The term ''Director'' means the Director of the Office for Victims of Crime.

(3) OFFICE.—The term ''Office'' means the Office for Victims of Crime.

(b) PILOT PROGRAMS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Attorney General, acting through the Director, shall establish and carry out a program to provide for pilot programs in 5 States to establish and operate compliance authorities to enforce the rights of victims of crime.

(2) AGREEMENTS.—

(A) IN GENERAL.—The Attorney General, acting through the Director, shall enter into an agreement with a State to conduct a pilot program referred to in paragraph (1), which agreement shall provide for a grant to assist the State in carrying out the pilot program.

(B) CONTENTS OF AGREEMENT.—The agreement referred to in subparagraph (A) shall specify that—

(i) the compliance authority shall be established and operated in accordance with this section; and

(ii) except with respect to meeting applicable requirements of this section concerning carrying out the duties of a compliance authority under this section (including the applicable reporting duties under subsection (f) and the terms of the agreement), a compliance authority shall operate independently of the Office.

(C) NO AUTHORITY OVER DAILY OPERATIONS.—The Office shall have no supervisory or decisionmaking authority over the day-to-day operations of a compliance authority.

(c) OBJECTIVES.—

(1) MISSION.—The mission of a compliance authority established and operated under a pilot program under this section shall be to promote compliance and effective enforcement of State laws regarding the rights of victims of crime.

(2) DUTIES.—A compliance authority established and operated under a pilot program under this section shall—

(A) receive and investigate complaints relating to the provision or violation of the rights of a crime victim; and

(B) issue findings following such investigations.

(3) OTHER DUTIES.—A compliance authority established and operated under a pilot program under this section may—

(A) pursue legal actions to define or enforce the rights of victims;

(B) review procedures established by public agencies and private organizations that provide services to victims, and evaluate the delivery of services to victims by such agencies and organizations;

(C) coordinate and cooperate with other public agencies and private organizations concerned with the implementation, monitoring, and enforcement of the rights of victims and enter into cooperative agreements with such agencies and organizations for the furtherance of the rights of victims;

(D) ensure a centralized location for victim services information;

(E) recommend changes in State policies concerning victims, including changes in the system for providing victim services;

(F) provide public education, legislative advocacy, and development of proposals for systemic reform; and

(G) advertise to advise the public of its services, purposes, and procedures.

(d) ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall submit an application to the Director which includes assurances that—

(1) the State has provided legal rights to victims of crime at the adult and juvenile levels;

(2) a compliance authority that receives funds under this section will include a role for—

(A) representatives of criminal justice agencies, crime victim service organizations, and the educational community;

(B) a medical professional whose work includes work in a hospital emergency room; and

(C) a therapist whose work includes treatment of crime victims; and

(3) Federal funds received under this section will be used to supplement, and not to supplant, non-Federal funds that would otherwise be available to enforce the rights of victims of crime.

(e) PREFERENCE.—In awarding grants under this section, the Attorney General shall give preference to a State that provides legal standing to prosecutors and victims of crime to assert the rights of victims of crime.

(f) OVERSIGHT.—

(1) TECHNICAL ASSISTANCE.—The Director may provide technical assistance and training to a State that receives a grant under this section to achieve the purposes of this section.

(2) ANNUAL REPORT.—Each State that receives a grant under this section shall submit to the Director, for each year in which funds from a grant received under this section are expended, a report that contains—

(A) a summary of the activities carried out under the grant;

(B) an assessment of the effectiveness of such activities in promoting compliance and effective implementation of the laws of that State regarding the rights of victims of crime;

(C) a strategic plan for the year following the year covered under subparagraph (A); and

(D) such other information as the Director may require.

(g) REVIEW OF PROGRAM EFFECTIVENESS.—

(1) IN GENERAL.—The Director of the National Institute for Justice shall conduct an evaluation of the pilot programs carried out under this section to determine the effectiveness of the compliance authorities that are the subject of the pilot programs in carrying out the mission and duties described in subsection (c).

(2) REPORT.—Not later than 5 years after the date of enactment of this Act, the Director of the National Institute of Justice shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a written report on the results of the evaluation required by paragraph (1).

(h) DURATION.—A grant under this section shall be made for a period not longer than 4 years, but may be renewed for a period not to exceed 2 years on such terms as the Director may require.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, to remain available until expended—

(A) $5,000,000 for fiscal year 2004; and

(B) such sums as may be necessary for each of the fiscal years 2005 and 2006.

(2) EVALUATIONS.—Up to 5 percent of the amount authorized to be appropriated under paragraph (1) in any fiscal year may be used for administrative expenses incurred in conducting the evaluations and preparing the report required by subsection (g).

SEC. 202. INCREASED RESOURCES TO DEVELOP STATE-OF-THE-ART SYSTEMS FOR NOTIFYING CRIME VICTIMS OF IMPORTANT DATES AND DEVELOPMENTS.

The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404C the following:

"SEC. 1404D. VICTIM NOTIFICATION GRANTS.

''(a) IN GENERAL.—The Director may make grants as provided in section 1404(c)(1)(A) to State, tribal, and local prosecutors' offices, law enforcement agencies, courts, jails, and correctional institutions, and to qualified private entities, to develop and implement state-of-the-art systems for notifying victims of crime of important dates and developments relating to the criminal proceedings at issue on a timely and efficient basis.

''(b) INTEGRATION OF SYSTEMS.—Systems developed and implemented under this section may be integrated with existing case management systems operated by the recipient of the grant.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $10,000,000 for fiscal year 2004;

''(2) $5,000,000 for fiscal year 2005; and

''(3) $5,000,000 for fiscal year 2006.

''(d) FALSE CLAIMS ACT.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act'), may be used for grants under this section.''.

SEC. 203. RESTORATIVE JUSTICE GRANTS.

(a) PURPOSES.—The purposes of this section are to—

(1) hold juvenile offenders accountable for their offenses, while ensuring the continuing safety of victims;

(2) involve victims and the community in the juvenile justice process;

(3) obligate the offender to pay restitution to the victim and to the community through community service or through financial or other forms of restitution; and

(4) equip juvenile offenders with the skills needed to live responsibly and productively.

(b) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall make grants, in accordance with such regulations as the Attorney General may prescribe, to units of local governments, tribal governments, and qualified private entities to establish restorative justice programs, such as victim and offender mediation, family and community conferences, family and group conferences, sentencing circles, restorative panels, and reparative boards, as an alternative to, or in addition to, incarceration.

(c) PROGRAM CRITERIA.—A program funded by a grant made under this section shall—

(1) be fully voluntary by both the victim and the offender (who must admit responsibility), once the prosecuting agency has determined that the case is appropriate for this program;

(2) include as a critical component accountability conferences, at which the victim will have the opportunity to address the offender directly, to describe the impact of the offense against the victim, and the opportunity to suggest possible forms of restitution;

(3) require that conferences be attended by the victim, the offender and, when possible, the parents or guardians of the offender, and the arresting officer; and

(4) provide an early, individualized assessment and action plan to each juvenile offender in order to prevent further criminal behavior through the development of appropriate skills in the juvenile offender so that the juvenile is more capable of living productively and responsibly in the community.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $8,000,000 for fiscal year 2004; and

(2) $4,000,000 for each of the fiscal years 2005 and 2006.

SEC. 204. GRANTS TO DEVELOP INTERDISCIPLINARY COORDINATED SERVICE PROGRAMS FOR VICTIMS OF CRIME.

The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404D, as added by section 202 of this Act, the following:

"SEC. 1404E. INTERDISCIPLINARY COORDINATED SERVICE PROGRAMS.

''(a) IN GENERAL.—The Director is authorized to award grants under section 1404(c)(1)(A) to States, tribal governments, local governments, and qualified public or private entities, to develop and implement interdisciplinary coordinated service programs for victims of crime.

''(b) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) INTERDISCIPLINARY COORDINATED SERVICE PROGRAM.—The term 'interdisciplinary coordinated service program' means a case management program that coordinates the various systems and programs that impact or assist victims of crime, including—:

''(A) the criminal justice system;

''(B) public or private victim assistance organizations;

''(C) victim compensation programs;

''(D) public or private health care services;

''(E) public or private mental health services;

''(F) community-based victim service organizations;

''(G) public or private educational services, including preschool, after-school care, and child care programs; and

''(H) other public or private sources of services or assistance to victims of crime.

''(2) EMERGENCY INTERDISCIPLINARY COORDINATED SERVICE PROGRAM.—The term 'emergency interdisciplinary coordinated service program' means an interdisciplinary coordinated service program that responds to a community crisis.

''(3) COMMUNITY CRISIS.—The term 'community crisis' means a single crime or multiple related crimes that have a wide impact or serious consequences on a community.

''(4) LEAD ENTITY.—

''(A) IN GENERAL.—The term 'lead entity' means the State, tribal government, local prosecutor's office, or qualified public or private entity with experience working across disciplines and agencies, that leads the interdisciplinary coordinated service program or emergency interdisciplinary coordinated service program.

''(B) RESPONSIBILITIES.—The lead entity is responsible for distributing funds to any entities collaborating on the interdisciplinary coordinated service program or emergency interdisciplinary coordinated service program, as necessary.

''(c) MISSION.—The mission of a program developed and implemented with a grant under this section shall be to—

''(1) streamline access to services by victims of crime;

''(2) eliminate barriers to services for victims of crime;

''(3) coordinate client services across disciplines to assure continuity of care, including the use of technology to link service providers to each other;

''(4) improve how victims of crime experience the criminal justice system in order to promote cooperation and trust;

''(5) reduce duplication of effort in outreach and provision of services to victims;

''(6) assist crime victims in avoiding unnecessary and repetitive interviewing, retelling of victimization, and completion of applications; and

''(7) improve service delivery through client input and feedback.

''(d) PREFERENCE.—In awarding grants under this section, the Director shall give preference to lead entities that collaborate with the most comprehensive coalition of entities that impact or serve victims of crime.

''(e) OVERSIGHT—

''(1) FUNDING PROPOSAL.—The proposed distribution of funding among the lead entity and any collaborating entities shall be included in any grant application for funding.

''(2) REPORT.—Each lead entity that receives a grant under this section shall submit to the Director, for each year in which funds from a grant under this section are expended, a report assessing the effectiveness of the emergency interdisciplinary coordinated service program or the interdisciplinary coordinated service program.

''(f) REVIEW OF PROGRAM EFFECTIVENESS.—

''(1) IN GENERAL.—The Director of the National Institute for Justice shall conduct an evaluation of the emergency interdisciplinary coordinated service programs and the interdisciplinary coordinated service programs carried out under this section to determine the effectiveness and cost effectiveness of the programs in carrying out the mission and duties described under subsection (c).

''(2) REPORT.—Not later than 5 years after the date of enactment of this Act, the Director of the National Institute of Justice shall submit, to the Committees on the Judiciary of the House of Representatives and the Senate, a written report on the results of the evaluation required under paragraph (1).

''(g) DURATION.—The Director shall award grants under this section for a period not to exceed 4 years, but may renew the grant for a period not to exceed 2 years on such terms as the Director may reasonably require.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated, in addition to funds made available by section 1402(d)(4)(C)—

''(A) $6,000,000 for each of the fiscal years 2004 through 2007 for emergency interdisciplinary service programs; and

''(B) $14,000,000 for each of the fiscal years 2004 through 2007 for interdisciplinary service programs.

''(2) DEADLINES.—Funds appropriated for emergency interdisciplinary service programs shall be made available by the Director not later than 30 days after the date of the community crisis and distributed not later than 120 days after the date of the community crisis.

''(3) TRANSFER OF UNEXPENDED FUNDS.—All funds appropriated, but not expended, for emergency interdisciplinary service programs during each fiscal year shall be obligated to interdisciplinary service programs for distribution in the subsequent fiscal year and shall not be diverted to offset increased spending.

''(4) EVALUATION.—Funds appropriated pursuant to paragraph (1) may be used to carry out the provisions under subsection (f).

''(5) MAINTENANCE OF EFFORT.—Funds appropriated pursuant to this section shall be

used to supplement, and not supplant, non-Federal funds that would otherwise be available to support interdisciplinary service programs and emergency interdisciplinary service programs.

''(i) FALSE CLAIMS ACT.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act'), may be used for grants under this section.''.

SEC. 205. GRANTS FOR SERVICES TO CRIME VICTIMS WITH SPECIAL COMMUNICATION NEEDS.

The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404E, as added by section 204 of this Act, the following:

''SEC. 1404F. SERVICES TO VICTIMS WITH SPECIAL COMMUNICATION NEEDS.

''(a) IN GENERAL.—The Director is authorized to award demonstration grants under section 1404(c)(1)(A) to States, tribal governments, local governments, and qualified public or private entities to support the extension of services to victims with special communication needs.

''(b) MISSION.—The mission of a demonstration grant awarded under this section shall be to expand the capacity of victim service providers to serve crime victims with special communication needs relating to limited English proficiency, hearing loss, or developmental disabilities.

''(c) USE OF FUNDS.—Activities funded under a demonstration grant awarded under this section may include—

''(1) contracting with a telephonic interpreter service to offer services to a specified pool of victim service providers, at no additional cost to such service providers or at a discounted rate;

''(2) the use of local interpreters;

''(3) the use of bilingual or multilingual victim advocates or assistants;

''(4) foreign language classes and cultural competency training for service providers;

''(5) translation of materials;

''(6) hearing assistance devices;

''(7) services to help individuals with developmental disabilities understand court proceedings;

''(8) community outreach; and

''(9) other means to improve accessibility of victim services for crime victims with special communication needs.

''(d) TASK FORCES.—

''(1) IN GENERAL.—To be eligible to receive a grant under this section, a State, tribal government, local government, or qualified public or private entity shall have established a task force to study needs and alternatives for promoting greater access to services for crime victims with special communication needs.

''(2) MEMBERSHIP.—The task force referred to in paragraph (1) shall be composed of representatives of—

''(A) system and non-system based victim service providers;

''(B) the predominant ethnic communities; and

''(C) individuals with severe hearing loss or developmental disabilities.

''(3) RECOMMENDATIONS.—Each task force referred to in paragraph (1) shall—

''(A) study the issues described under paragraph (1) during the period of any grant awarded; and

''(B) make specific recommendations for expenditures by the grant recipient.

''(e) ANNUAL REPORT.—Each entity that receives a grant under this section shall submit to the Director, for each year in which funds from a grant received under this section are expended, a report containing—

''(1) a summary of the activities carried out under the grant;

''(2) an assessment of the effectiveness of such activities in extending services to previously unserved and underserved victims of crime;

''(3) a strategic plan for the year following the year covered under paragraph (1); and

''(4) such other information as the Director may require.

''(f) DURATION.—The Director shall award demonstration grants under this section for a period not to exceed 4 years, but may renew the grant for a period not to exceed 2 years on such terms as the Director may reasonably require.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, which shall remain available until expended—

''(1) $500,000 for fiscal year 2004; and

''(2) $5,000,000 for each of the fiscal years 2005 through 2007.

''(h) FALSE CLAIMS ACT.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act') may be used for grants under this section.''.

TITLE III—AMENDMENTS TO VICTIMS OF CRIME ACT OF 1984

SEC. 301. FORMULA FOR DISTRIBUTIONS FROM THE CRIME VICTIMS FUND.

(a) FORMULA FOR FUND DISTRIBUTIONS.—Section 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is amended to read as follows:

''(c) FUND DISTRIBUTION; RETENTION OF SUMS IN FUND; AVAILABILITY FOR EXPENDITURE WITHOUT FISCAL YEAR LIMITATION.—

''(1)(A) Except as provided in subparagraphs (B) and (C), the total amount to be distributed from the Fund in any fiscal year shall be not less than 105 percent nor more than 115 percent of the total amount distributed from the Fund in the previous fiscal year, provided that the amount shall at a minimum be sufficient fully provide grants in accordance with sections 1403(a)(1), 1404(a)(1), and 1404(c)(2).

''(B) In any fiscal year that there is an insufficient amount in the Fund to fully provide grants in accordance with subparagraph (A), the amounts made available for grants under sections 1403(a), 1404(a), and 1404(c) shall be reduced by an equal percentage.

''(C) In any fiscal year that the total amount available in the Fund is more than 2 times the total amount distributed in the previous fiscal year, up to 125 percent of the amount distributed in the previous fiscal year may be distributed.

''(2) In each fiscal year, the Director shall distribute amounts from the Fund in accordance with subsection (d). Notwithstanding any other provision of law, all sums deposited in the Fund that are not distributed shall remain in reserve in the Fund for obligation in future fiscal years, without fiscal year limitation.''.

(b) ESTABLISHMENT OF BASE AMOUNT FOR TOTAL VICTIM ASSISTANCE GRANTS.—Section 1404(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)(1)) is amended—

(1) by inserting ''(A)'' after ''(1)''; and

(2) by adding at the end the following:

''(B) Except as provided in section 1402(c)(1)(B), the total amount distributed to States under this subsection in any fiscal year shall not be less than the average amount distributed for this purpose during the prior 3 fiscal years.''.

(c) ESTABLISHMENT OF BASE AMOUNT FOR OVC DISCRETIONARY GRANTS.—Section 1404(c)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(2)) is amended by inserting after ''(2)'' the following: ''Except as provided in section 1402(c)(1)(B), the amount available for grants under this subsection in any fiscal year shall not be less than the average amount available for this purpose during the prior 3 fiscal years.''.

SEC. 302. CLARIFICATION REGARDING ANTITERRORISM EMERGENCY RESERVE.

Section 1402(d)(5)(C) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(C)) is amended by inserting '', and any amounts used to replenish such reserve,'' after ''any such amounts carried over''.

SEC. 303. PROHIBITION ON DIVERTING CRIME VICTIMS FUND TO OFFSET INCREASED SPENDING.

(a) PURPOSE.—The purpose of this section is to ensure that amounts deposited in the Crime Victims Fund (as established by section 1402(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(a)) are distributed in a timely manner to assist victims of crime as intended by current law and are not diverted to offset increased spending.

(b) TREATMENT OF CRIME VICTIMS FUND.—Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended by adding at the end the following:

''(h) For purposes of congressional points of order, the Congressional Budget Act of 1974, and the Balanced Budget and Emergency Deficit Control Act of 1985, any limitation on spending from the Fund included in the President's budget or enacted in appropriations legislation for fiscal year 2004 or any subsequent fiscal year shall not be scored as discretionary savings.''.

CRIME VICTIMS ASSISTANCE ACT OF 2003—SECTION-BY-SECTION SUMMARY

OVERVIEW

The Crime Victims Assistance Act of 2003 represents an important step in Congress's continuing efforts to provide assistance and afford respect to victims of crime. The bill will accomplish three major goals. First, it will provide enhanced rights and protections for victims of federal crimes. Second, it will assist victims of State crimes through grant programs designed to promote compliance with State victim's rights laws. Third, it will improve the manner in which the Crime Victims Fund is managed and preserved.

TITLE I—VICTIM RIGHTS IN THE FEDERAL SYSTEM

Sec. 101. Right to consult concerning detention. Requires the government to consult with victim prior to a detention hearing to obtain information that can be presented to the court on the issue of any threat the suspected offender may pose to the victim. Requires the court to make inquiry during a detention hearing concerning the views of the victim, and to consider such views in determining whether the suspected offender should be detained.

Sec. 102. Right to a speedy trial. Requires the court to consider the interests of the victim in the prompt and appropriate disposition of the case, free from unreasonable delay.

Sec. 103. Right to consult concerning plea. Requires the government to make reasonable efforts to notify the victim of, and consider the victim's views about, any proposed or contemplated plea agreement. Requires the court, prior to entering judgment on a plea, to make inquiry concerning the views of the victim on the issue of the plea.

Sec. 104. Enhanced participatory rights at trial. Provides standing for the prosecutor and the victim to assert the right of the victim to attend and observe the trial. Extends the Victim Rights Clarification Act to apply to televised proceedings. Amends the Victims' Rights and Restitution Act of 1990 to strengthen the right of crime victims to be present at court proceedings, including trials.

Sec. 105. Enhanced participatory rights at sentencing. Requires the probation officer to include as part of the presentence report any victim impact statement submitted by a victim. Extends to all victims the right to make a statement or present information in relation to the sentence. Requires the court to consider the victim's views concerning punishment, if such views are presented to the court, before imposing sentence.

Sec. 106. Right to notice concerning sentence adjustment, discharge from psychiatric facility, and executive clemency. Requires the government to provide the victim the earliest possible notice of (1) the scheduling of a hearing on modification of probation or supervised release for the offender; (2) the discharge or conditional discharge from a psychiatric facility of an offender who was found not guilty by reason of insanity; or (3) the grant of executive clemency to the offender. Requires the Attorney General to report to Congress concerning executive clemency matters delegated for review or investigation to the Attorney General.

Sec. 107. Procedures to promote compliance. Establishes an administrative system for enforcing the rights of crime victims in the Federal system.

TITLE II—VICTIM ASSISTANCE INITIATIVES

Sec. 201. Pilot programs to enforce compliance with State crime victim's rights laws. Authorizes the establishment of pilot programs in five States to establish and operate compliance authorities to promote compliance and effective enforcement of State laws regarding the rights of victims of crime. Compliance authorities will receive and investigate complaints relating to the provision or violation of a crime victim's rights, and issue findings following such investigations. Amounts authorized are $5 million through FY2004, and such sums as necessary for the next two fiscal years.

Sec. 202. Increased resources to develop state-of-the-art systems for notifying crime victims of important dates and developments. Authorizes grants to develop and implement crime victim notification systems. Amounts authorized are $10 million through FY2004, and $5 million for each of the next two fiscal years.

Sec. 203. Restorative justice grants. Authorizes grants to establish juvenile restorative justice programs. Eligible programs shall: (1) be fully voluntary by both the victim and the offender (who must admit responsibility); (2) include as a critical component accountability conferences, at which the victim will have the opportunity to address the offender directly; (3) require that conferences be attended by the victim, the offender, and when possible, the parents or guardians of the offender, and the arresting officer; and (4) provide an early, individualized assessment and action plan to each juvenile offender. These programs may act as an alternative to, or in addition to, incarceration. Amounts authorized are $8 million through FY2004, and $4 million for each of the next two fiscal years.

Sec. 204. Grants to develop interdisciplinary coordinated service programs for victims of crime. Authorizes grants to establish or develop case management programs that can coordinate the various systems and programs that impact or assist victims, thereby streamlining access to services and reducing ''revictimization'' within the criminal justice system. Emergency interdisciplinary coordinated service programs will respond to events that have serious consequences on a particular community, such as terrorist attacks. Amounts authorized are $6 million for each of the next four fiscal years.

Sec. 205. Grants for services to crime victims with special communication needs. Authorizes demonstration grants to expand the capacity of victim service providers to serve victims with special communication needs, such as limited English proficiency, hearing disabilities, and developmental disabilities. Amounts authorized are $500,000 through FY2004, and $5 million for each of the next three fiscal years.

TITLE III—AMENDMENTS TO THE VICTIMS OF CRIME ACT

Sec. 301. Formula for distributions from the Crime Victims Fund. Replaces the annual cap on distributions from the Crime Victims Fund with a formula that ensures stability in the amounts distributed while preserving the amounts remaining in the Fund for use in future years. In general, subject to the availability of money in the Fund, the total amount to be distributed in any fiscal year shall be not less than 105 percent nor more than 115 percent of the total amount distributed in the previous fiscal year. This section also establishes minimum levels of annual funding for both State victim assistance grants and discretionary grants by the Office for Victims of Crime.

Sec. 302. Clarification regarding antiterrorism emergency reserve. Clarifies the intent of the USA PATRIOT Act regarding the restructured Antiterrorism emergency reserve, which was that any amounts used to replenish the reserve after the first year would be above any limitation on spending from the Fund.

Sec. 303. Prohibition on diverting crime victims fund to offset increased spending. Ensures that the amounts deposited in the Crime Victims Fund are distributed in a timely manner to assist victims of crime as intended by current law and are not diverted to offset increased spending.

Mr. KENNEDY. Mr. President, victims of crime deserve to have their voices heard and be notified about important events in the criminal justice system relating to their cases, and they deserve enforceable rights under the law.

Today, my colleagues and I are introducing the Crime Victims Assistance Act. It is especially appropriate that we do so this week, which is National Crime Victims' Rights Week. Our bill is intended to define the rights of victims more clearly, and establish effective means to implement and enforce these rights. Equally important, it does so without taking the unnecessary and time-consuming step of amending the Constitution.

Our bill strengthens protections for victims of both violent and nonviolent Federal crimes, and gives them a greater voice in the criminal justice system. It gives victims a number of important rights, such as the right to be notified and consulted on detention and plea agreements; the right to be present and heard at trial and at sentencing; and the right to be notified of a scheduled hearing on a sentence adjustment, discharged from a psychiatric facility, or grant of clemency.

The rights established by this bill will fill existing gaps in Federal criminal law and will be a major step toward guaranteeing that victims of crime receive fair treatment and are afforded the respect they deserve. Our bill achieves these goals in a way that does not interfere with the rights of the States to protect victims in ways appropriate to each State.

Rather than mandating that States modify their criminal justice procedures in particular ways, our bill authorizes the use of Federal funds to establish effective programs to promote victim rights compliance. It increases resources for the development of state-of-the-art systems for notifying victims of important dates and developments in their cases. It provides funds for the development of community-based programs relating to those rights. It also provides funds for case management programs to streamline access to victims services and reduce ''revictimization'' by the criminal justice system, and enable service providers to help victims with special communication needs, such as limited English proficiency, hearing disabilities, and developmental disability.

Finally, our bill replaces the cap on spending form the Crime Victims Fund, which has prevented millions of dollars of fund deposits from reaching victims and supporting essential services. The bill adopts a new approach supported by victim groups to strengthen the stability of the fund and protect its assets, while allowing more funds to be distributed for victim programs.

We do not have to amend the Constitution to achieve these important goals. The Constitution is the foundation of our democracy. It reflects the enduring principles of our country. The Framers deliberately made the Constitution difficult to amend because it was never intended to be used for normal legislative purposes. If it is not necessary to amend the Constitution to achieve particular goals, it is necessary not to amend it. Our legislation is well-designed to establish effective and enforceable rights for victims of crime, and I urge my colleagues to support it.

By Mr. SESSIONS (for himself and Mr. HATCH):

S. 807. A bill to amend title 18, United States Code, to provide a maximum term of supervised release of life for sex offenders; to the Committee on the Judiciary.

Mr. SESSIONS. Mr. President, the legislation I have offered, along with Senator HATCH, who chairs the Judiciary Committee, is called the Lifetime Consequences for Sex Offenders Act of 2003. It is supported by the U.S. Department of Justice.

We will be seeking to include it within the child crimes bill, otherwise known as the PROTECT Act.

Studies show that sexual offenders are prone toward recidivism throughout their lives. A 1988 study of sexual recidivism factors on child molesters showed that 43 percent of offenders sexually reoffended within a 4-year followup period—43 percent, almost half of them who were caught. Within a 4-year period, maybe others reoffended and were not caught. So one way to help curb that recidivism is to place the defendant on supervised release for a period of years after he or she is released from prison.

Currently, under 18 U.S.C. Section 3543, a Federal judge is allowed to impose a term of 1 to 5 years supervised release on a convicted sex offender. In a review of 42 studies regarding sexual-offender recidivism in which researchers followed up on the offenders, the researchers have found that the longer the followup period is, the greater is the percentage of those who will commit another crime. So it means they tend to reoffend way out into extended periods of time.

So this will give the sentencing court discretion to place a sex offender on supervised release for a term of up to life if the court thinks that is appropriate.

Mr. President, I had one of America's finest citizens in my office this afternoon, John Walsh of the ''America's Most Wanted'' program, of which he is known so well. He has been a champion of protecting children from sexual predators and abuse. He told me there is no doubt—and there is no doubt scientifically or any other way—that child predators and sexual offenders and child molesters tend to be recidivists. Pedophiles continue that activity. We wish it were not so, but we see that in the papers every day—people who have had prior problems, who have not just offended one time.

When I was a Federal prosecutor, I prosecuted a number of individuals charged with sexual based offenses. In almost every instance, those who are apprehended—possessing child pornography, making child pornography—had a history prior to that, over a period of years, of the molestation of other children. In fact, I remember one who did not appear to have that history, and the agent ended up talking to his daughter or step-daughter, and she said when she was a young girl, he had molested her. So there was never one defendant that I had, in the fifteen years I prosecuted, who did not have a history of it.

It is a problem that we know is real. And it is not correct or wise to have a judge maybe sentence somebody to jail for 5 years in custody, and then they get out, and the most the judge can supervise them is 1 to 5 years. They may still be molesting children 25 years down the road. Supervision can help them avoid repeat offenses and can help protect children. And they will have a probation or parole officer supervising their activities, making them report, on a daily basis, knowing where they are working, making sure they are not working in an area that could endanger children.

I think this is a commonsense bill. Senator HATCH and I are pleased to offer it. It is something that needs to be made a part of American law.

I appreciate the leadership that John Walsh has committed to these issues and the PROTECT Act, in particular.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 807

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lifetime Consequences for Sex Offenders Act of 2003''.

SEC. 2. AMENDMENT TO TITLE 18.

Section 3583 of title 18, United States Code, is amended—

(1) in subsection (e)(3), by inserting ''on any such revocation'' after ''required to serve'';

(2) in subsection (h), by striking ''that is less than the maximum term of imprisonment authorized under subsection (e)(3)''; and

(3) by adding at the end the following:

''(k) Notwithstanding subsection (b), the authorized term of supervised release for any offense under section 1201 involving a minor victim, and for any offense under section 1591, 2241, 2242, 2244(a)(1), 2244(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, or 2425, is any term of years or life.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 105—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN STATE OF NEW HAMPSHIRE V. MACY E. MORSE, ET AL.

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

Whereas, in the case of State of New Hampshire v. Macy E. Morse, et al., pending in Portsmouth District Court for the State of New Hampshire, testimony has been requested from Joel Maiola, a staff member in the office of Senator Judd Gregg;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privilege of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Joel Maiola is authorized to provide testimony in the case of State of New Hampshire v. Macy E. Morse, et al., except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Joel Maiola in connection with any testimony authorized in section one of this resolution.

SENATE RESOLUTION 106—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE 50TH ANNIVERSARY OF THE FOREIGN AGRICULTURAL SERVICE OF THE DEPARTMENT OF AGRICULTURE

Mr. COCHRAN (for himself, Mr. HARKIN, Mr. CHAMBLISS, Mr. ROBERTS, Mr. GRASSLEY, Mr. CONRAD, Mrs. DOLE, and Mr. LUGAR) submitted the following resolution; which was considered and agreed to:

S. RES. 106

Whereas during the term of President Dwight David Eisenhower and the era of Secretary of Agriculture Ezra Taft Benson, it became apparent that the development of external markets was needed to ensure the financial viability of the agricultural sector of the United States;

Whereas the Foreign Agricultural Service was established on March 10, 1953, to develop and expand markets for United States agricultural commodities and products;

Whereas the Foreign Agricultural Service has represented agricultural interests of the United States during a period of expansion of United States agricultural exports from less than $3,000,000,000 in 1953 to more than $50,000,000,000 in 2002; and

Whereas the number of organizations engaged in the public and private partnership established by the Foreign Agricultural Service to promote United States agricultural exports has grown from 1 organization in 1955 to more than 80 organizations in 2003, with market development and expansion occurring in nearly every global marketplace: Now, therefore, be it

Resolved, That the Senate—

(1) on the 50th anniversary of the establishment of the Foreign Agricultural Service on March 10, 1953, recognizes the Service for—

(A) cooperating with, and leading, the United States agricultural community in developing and expanding export markets for United States agricultural commodities and products;

(B) identifying the private partners capable of carrying out the mission of the Service;

(C) identifying and expanding markets for United States agricultural commodities and products;

(D) introducing innovative and creative ways of expanding the markets;

(E) providing international food assistance to feed the hungry worldwide;

(F) addressing unfair barriers to United States agricultural exports;

(G) implementing strict procedures governing the use and evaluation of programs and funds of the Service; and

(H) overseeing the use of taxpayers dollars to carry out programs of the Service; and

(2) declares that March 10, 2003, is a day recognizing—

(A) the 50th anniversary of the establishment of the Foreign Agricultural Service; and

(B) the contributions of the Foreign Agricultural Service and employees and partners of the Service to agriculture in the United States.

SENATE CONCURRENT RESOLUTION 33—EXPRESSING THE SENSE OF THE CONGRESS REGARDING SCLERODERMA

Mr. CRAIG (for himself and Mr. REID) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

Whereas scleroderma is a debilitating and potentially fatal autoimmune disease with a broad range of symptoms which may be either localized or systemic;

Whereas scleroderma may attack vital internal organs, including the heart, esophagus, lungs, and kidneys, and may do so without causing any external symptoms;

Whereas more than 300,000 people in the United States suffer from scleroderma;

Whereas the symptoms of scleroderma include hardening and thickening of the skin, swelling, disfigurement of the hands, spasms of blood vessels causing severe discomfort in the fingers and toes, weight loss, joint pain, difficulty swallowing, extreme fatigue, and ulcerations on the fingertips which are slow to heal;

Whereas people with advanced scleroderma may be unable to perform even the simplest tasks;

Whereas 80 percent of the people suffering from scleroderma are women between the ages of 25 and 55;

Whereas scleroderma is the 5th leading cause of death among all autoimmune diseases for women who are 65 years old or younger;

Whereas the wide range of symptoms and localized and systemic variations of scleroderma make it difficult to diagnose;

Whereas the average diagnosis of scleroderma is made 5 years after the onset of symptoms;

Whereas the cause of scleroderma is still unknown and there is no known cure; and

Whereas the estimated annual direct and indirect costs of scleroderma in the United States are $1,500,000,000: Now therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) private organizations and health care providers should be recognized for their efforts to promote awareness of and research on scleroderma;

(2) the people of the United States, including the medical community, should make themselves aware of the symptoms of scleroderma and contribute to the fight against scleroderma;

(3) the Federal Government has a responsibility to promote awareness regarding scleroderma, to adequately fund research projects regarding scleroderma, and to continue to consider ways to improve the quality of health care services provided for scleroderma patients, including making prescription medication more affordable;

(4) the National Institutes of Health should continue to play a leadership role in the fight against scleroderma by—

(A) working more closely with private organizations and researchers to find a cure for scleroderma;

(B) funding research projects regarding scleroderma conducted by private organizations and researchers;

(C) holding a scleroderma symposium which would bring together distinguished scientists and clinicians from across the United States to determine the most important priorities in scleroderma research;

(D) supporting the formation of small workgroups composed of experts from diverse but related scientific fields to study scleroderma;

(E) conducting more genetic, environmental, and clinical research regarding scleroderma;

(F) training more basic and clinical scientists to carry out such research; and

(G) providing for better dissemination of the information learned from such research; and

(5) the Centers for Disease Control and Prevention should give priority consideration to the establishment of a national epidemiological study to better track the incidence of scleroderma and to gather information about the disease that could lead to a cure.

AMENDMENTS SUBMITTED AND PROPOSED

SA 525. Mr. SESSIONS (for Mr. NELSON of Florida) proposed an amendment to the resolution S. Res. 97, expressing the sense of the Senate regarding the arrests of Cuban democracy activists by the Cuban Government.

TEXT OF AMENDMENTS

SA 525. Mr. SESSIONS (for Mr. NELSON of Florida) proposed an amendment to the resolution S. Res. 97, expressing the sense of the Senate regarding the arrests of Cuban democracy activists by the Cuban Government; as follows:

Delete the preamble and insert in lieu thereof:

Whereas on March 18, 2003, Fidel Castro and the Government of Cuba began an island-wide campaign to arrest and jail dozens of prominent democracy activists and critics of the repressive regime;

Whereas since March 19, 2003, the Cuban police have arrested approximately 80 Cubans for engaging in free speech under Law 88, the Law for the Protection of National Independence and the Economy of Cuba, which is a notorious law passed 3 years ago by the communist county;

Whereas the imprisoned political opponents of Castro include librarians, journalists, and others who have supported the Varela Project, which seeks to bring free speech, open elections, and democracy to the island nation;

Whereas during this crackdown, widely recognized as the most severe in some time, Fidel Castro is inhumanely pursuing the harshest punishments for these political prisoners, including pursuing life sentences for as many as 12; and

Whereas the failure to condemn the Cuban Government's renewed political repression of democracy activists will undermine the opportunity for freedom on the Island.

THE CALENDAR

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of the following bills on the calendar: No. 35, S. 164; No. 36, S. 212; No. 37, S. 220; No. 38, S. 278; No. 39, S. 328, No. 40, S. 347, and No. 42, H.R. 397.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 164) to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement.

A bill (S. 212) to authorize the Secretary of the Interior to cooperate with the High Plains States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer, and for other purposes.

A bill (S. 220) to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

A bill (S. 278) to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.

A bill (S. 328) to designate Catoctin Mountain Park in the State of Maryland as the ''Catoctin Mountain National Recreation Area'', and for other purposes.

A bill (S. 347) to direct the Secretary of the Interior and the Secretary of Agriculture to conduct a joint special resources study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area, and for other purposes.

A bill (H.R. 397) to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

There being no objection, the Senate proceeded to consider the bills, en bloc.

Mr. SESSIONS. Mr. President, I ask unanimous consent that, where applicable, the committee amendments be agreed to; that the bills, as amended, if amended, be read a third time and passed; that the motions to reconsider be laid upon the table; and that any statements relating to the bills be printed in the RECORD, the above occurring en bloc.

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

CESAR ESTRADA CHAVEZ STUDY ACT

The Senate proceeded to consider the bill (S. 164) to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''César Estrada Chávez Study Act''.

[SEC. 2. FINDINGS.

[Congress finds that—

[(1) on March 31, 1927, César Estrada Chávez was born on a small farm near Yuma, Arizona;

[(2) at age 10, Chávez and his family became migrant farm workers after they lost their farm in the Great Depression;

[(3) throughout his youth and into adulthood, Chávez migrated across the Southwest, laboring in fields and vineyards;

[(4) during this period, Chávez was exposed to the hardships and injustices of farm worker life;

[(5) in 1952, Chávez's life as an organizer and public servant began when he left the fields and joined the Community Service Organization, a community-based self-help organization;

[(6) while with the Community Service Organization, Chávez conducted—

[(A) voter registration drives; and

[(B) campaigns against racial and economic discrimination;

[(7) during the late 1950's and early 1960's, Chávez served as the national director of the Community Service Organization;

[(8) in 1962, Chávez founded the National Farm Workers Association, an organization that—

[(A) was the first successful farm workers union in the United States; and

[(B) became known as the ''United Farm Workers of America'';

[(9) from 1962 to 1993, as leader of United Farm Workers of America, Chávez achieved for tens of thousands of farm workers—

[(A) dignity and respect;
[(B) fair wages;
[(C) medical coverage;
[(D) pension benefits;
[(E) humane living conditions; and
[(F) other rights and protections;

[(10) the leadership and humanitarianism of César Chávez continue to influence and inspire millions of citizens of the United States to seek social justice and civil rights for the poor and disenfranchised; and

[(11) the life of César Chávez and his family provides an outstanding opportunity to illustrate and interpret the history of agricultural labor in the western United States.

[SEC. 3. RESOURCE STUDY.

[(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior (referred to in this section as the ''Secretary'') shall complete a resource study of sites in the State of Arizona, the State of California, and other States that are significant to the life of César E. Chávez and the farm labor movement in the western United States to determine—

[(1) appropriate methods for preserving and interpreting the sites; and

[(2) whether any of the sites meets the criteria for listing on the National Register of Historic Places or designation as a national historic landmark under—

[(A) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); and

[(B) the National Historic Preservation Act (16 U.S.C. 470 et seq.).

[(b) REQUIREMENTS.—In conducting the study under subsection (a), the Secretary shall—

[(1) consider the criteria for the study of areas for potential inclusion in the National Park System under section 8(b)(2) of Public Law 91–383 (16 U.S.C. 1a–5(b)(2)); and

[(2) consult with—

[(A) the César E. Chávez Foundation;

[(B) the United Farm Workers Union;

[(C) State and local historical associations and societies; and

[(D) the State Historic Preservation Officers of the State of Arizona, the State of California, and any other State in which a site described in subsection (a) is located.

[(c) REPORT.—On completion of the study under subsection (a), the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on—

[(1) the findings of the study; and

[(2) any recommendations of the Secretary.

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''César Estrada Chávez Study Act''.

SEC. 2. RESOURCE STUDY.

(a) IN GENERAL.—Not later than 3 years after funds are made available to implement this Act, the Secretary of the Interior (referred to in this section as the ''Secretary'') shall complete a resource study of sites in the State of Arizona, the State of California, and other States that are significant to the life of César E. Chávez and the farm labor movement in the western United States to determine appropriate methods for preserving and interpreting the sites; and to determine whether any of the sites meets the criteria for listing in the National Register of Historic Places or designation as a national historic landmark under the Act of August 21, 1935 (16 U.S.C. 461 et seq.); and the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(b) REQUIREMENTS.—In conducting the study the Secretary shall consider the criteria for the study of areas of potential inclusion in the National Park System under section 8(b)(2) of Public Law 91–383 (16 U.S.C. 1a–5(b)(2)).

(c) CONSULTATION.—In conducting the study the Secretary shall consult with—

(1) the César E. Chávez Foundation;

(2) the United Farm Workers Union; and

(3) State and local historical associations and societies, including State Historic Preservation Offices in the State where a site is located.

(d) REPORT.—On completion of the study the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings of the study and any recommendations.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 164), as amended, was read the third time and passed.

HIGH PLAINS AQUIFER HYDROGEOLOGIC CHARACTERIZATION, MAPPING, AND MODELING ACT

The Senate proceeded to consider the bill (S. 212) to authorize the Secretary of the Interior to cooperate with the High Plains States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''High Plains Aquifer Hydrogeologic Characterization, Mapping, Modeling and Monitoring Act''.

[SEC. 2. DEFINITIONS.

[For the purposes of this Act:

[(1) ASSOCIATION.—The term ''Association'' means the Association of American State Geologists.

[(2) COUNCIL.—The term ''Council'' means the Western States Water Council.

[(3) DIRECTOR.—The term ''Director'' means the Director of the United States Geological Survey.

[(4) FEDERAL COMPONENT.—The term ''Federal component'' means the Federal component of the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program described in section 3(c).

[(5) HIGH PLAINS AQUIFER.—The term ''High Plains Aquifer'' is the groundwater reserve depicted as Figure 1 in the United States Geological Survey Professional Paper 1400–B, titled ''Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming.''.

[(6) HIGH PLAINS AQUIFER STATES.—The term ''High Plains Aquifer States'' means the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming.

[(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

[(8) STATE COMPONENT.—The term ''State component'' means the State component of the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program described in section 3(d).

[SEC. 3. ESTABLISHMENT.

[(a) PROGRAM.—The Secretary, working through the United States Geological Survey, and in cooperation with participating State geological surveys and water management agencies of the High Plains Aquifer States, shall establish and carry out the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program, for the purposes of the characterization, mapping, modeling, and monitoring of the High Plains Aquifer. The Program shall undertake on a county-by-county level or at the largest scales and most detailed levels determined to be appropriate on a state-by-state and regional basis—

[(1) mapping of the hydrogeological configuration of the High Plains Aquifer; and

[(2) with respect to the High Plains Aquifer, analyses of the current and past rates at which groundwater is being withdrawn and recharged, the net rate of decrease or increase in High Plains Aquifer storage, the factors controlling the rate of horizontal and vertical migration of water within the High Plains Aquifer, and the current and past rate of change of saturated thickness within the High Plains Aquifer.

[The Program shall also develop, as recommended by the State panels referred to in subsection (d)(1), regional data bases and groundwater flow models.

[(b) FUNDING.—The Secretary shall make available fifty percent of the funds available pursuant to this title for use in carrying out the State component of the Program, as provided for by subsection (d).

[(c) FEDERAL PROGRAM COMPONENT.—

[(1) PRIORITIES.—The Program shall include a Federal component, developed in consultation with the Federal Review Panel provided for by subsection (e), which shall have as its priorities—

[(A) coordinating Federal, State, and local, data, maps, and models into an integrated physical characterization of the High Plains Aquifer;

[(B) supporting State and local activities with scientific and technical specialists; and

[(C) undertaking activities and providing technical capabilities not available at the State and local levels.

[(2) INTERDISCIPLINARY STUDIES.—The Federal component shall include interdisciplinary studies that add value to hydrogeologic characterization, mapping, modeling and monitoring for the High Plains Aquifer.

[(d) STATE PROGRAM COMPONENT.—

[(1) PRIORITIES.—Upon election by a High Plains Aquifer State, the State may participate in the State component of the Program which shall have as its priorities hydrogeologic characterization, mapping, modeling, and monitoring activities in areas of the High Plains Aquifer that will assist in addressing issues relating to groundwater depletion and resource assessment of the Aquifer. As a condition of participating in the State component of the Program, the Governor or Governor's designee shall appoint a State panel representing a broad range of users of, and persons knowledgeable regarding, hydrogeologic data and information, which shall be appointed by the Governor of the State or the Governor's designee. Priorities under the State component shall be based upon the recommendations of the State panel.

[(2) AWARDS.—

[(A) Twenty percent of the Federal funds available under the State component shall

be equally divided among the State geological surveys of the High Plains Aquifer States to carry out the purposes of the Program provided for by this title. In the event that the State geological survey is unable to utilize the funding for such purposes, the Secretary may, upon the petition of the Governor of the State, direct the funding to some other agency of the State to carry out the purposes of the Program.

[(B) In the case of a High Plains Aquifer State that has elected to participate in the State component of the Program, the remaining funds under the State component shall be competitively awarded to State or local agencies or entities in the High Plains Aquifer States, including State geological surveys, State water management agencies, institutions of higher education, or consortia of such agencies or entities. A State may submit a proposal for the United States Geological Survey to undertake activities and provide technical capabilities not available at the State and local levels. Such funds shall be awarded by the Director only for proposals that have been recommended by the State panels referred to in subsection (d)(1), subjected to independent peer review, and given final prioritization and recommendation by the Federal Review Panel established under subsection (e). Proposals for multistate activities must be recommended by the State panel of at least one of the affected States.

[(e) FEDERAL REVIEW PANEL.—

[(1) ESTABLISHMENT.—There shall be established a Federal Review Panel to evaluate the proposals submitted for funding under the State component under subsection (d)(2)(B) and to recommend approvals and levels of funding. In addition, the Federal Review Panel shall review and coordinate the Federal component priorities under subsection (c)(1), Federal interdisciplinary studies under subsection (c)(2), and the State component priorities under subsection (d)(1).

[(2) COMPOSITION AND SUPPORT.—Not later than 3 months after the date of enactment of this title, the Secretary shall appoint to the Federal Review Panel: (1) three representatives of the United States Geological Survey, at least one of which shall be a hydrologist or hydrogeologist; and (2) four representatives of the geological surveys and water management agencies of the High Plains Aquifer States from lists of nominees provided by the Association and the Council, so that there are two representatives of the State geological surveys and two representatives of the State water management agencies. Appointment to the Panel shall be for a term of 3 years. The Director shall provide technical and administrative support to the Federal Review Panel. Expenses for the Federal Review Panel shall be paid from funds available under the Federal component of the Program.

[(f) LIMITATION.—The United States Geological Survey shall not use any of the Federal funds to be made available under the State component for any fiscal year to pay indirect, servicing, or Program management charges. Recipients of awards granted under subsection (d)(2)(B) shall not use more than 18 percent of the Federal award amount for any fiscal year for indirect, servicing, or Program management charges. The Federal share of the costs of an activity funded under subsection (d)(2)(B) shall be no more than 50 percent of the total cost of that activity. The Secretary may apply the value of in-kind contributions of property and services to the non-Federal share of the costs of the activity.

[SEC. 4. PLAN.

[The Secretary, acting through the Director, shall, in consultation with the Association, the Council, the Federal Review Panel, and the State panels, prepare a plan for the High Plains Aquifer Comprehensive Hydrogeologic Characterization, Mapping, Modeling and Monitoring Program. The plan shall address overall priorities for the Program and a management structure and Program operations, including the role and responsibilities of the United States Geological Survey and the States in the Program, and mechanisms for identifying priorities for the Federal component and the State component.

[SEC. 5. REPORTING REQUIREMENTS.

[(a) REPORT ON PROGRAM IMPLEMENTATION.—One year after the date of enactment of this Act, and every 2 years thereafter through fiscal year 2011, the Secretary shall submit a report on the status of implementation of the Program established by this Act to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Governors of the High Plains Aquifer States. The initial report submitted by the Secretary shall contain the plan required by section 4.

[(b) REPORT ON HIGH PLAINS AQUIFER.—One year after the date of enactment of this Act and every year thereafter through fiscal year 2011, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Governors of the High Plains Aquifer States on the status of the High Plains Aquifer, including aquifer recharge rates, extraction rates, saturated thickness, and water table levels.

[(c) ROLE OF FEDERAL REVIEW PANEL.—The Federal Review Panel shall be given an opportunity to review and comment on the reports required by this section.

[SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2011 to carry out this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''High Plains Aquifer Hydrogeologic Characterization, Mapping, and Modeling Act''.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) ASSOCIATION.—The term ''Association'' means the Association of American State Geologists.

(2) COUNCIL.—The term ''Council'' means the Western States Water Council.

(3) DIRECTOR.—The term ''Director'' means the Director of the United States Geological Survey.

(4) HIGH PLAINS AQUIFER.—The term ''High Plains Aquifer'' is the groundwater reserve depicted as Figure 1 in the United States Geological Survey Professional Paper 1400–B, titled ''Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming.''

(5) HIGH PLAINS AQUIFER STATES.—The term ''High Plains Aquifer States'' means the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming.

(6) REVIEW PANEL.—The term ''Review Panel'' means the panel provided for by section 3(d).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. ESTABLISHMENT.

(a) PROGRAM.—The Secretary, through the United States Geological Survey, and in cooperation with the High Plains Aquifer States, shall establish and carry out the High Plains Aquifer Comprehensive Hydrogeologic Program, to characterize, map, and model the High Plains Aquifer. The Program shall undertake at the most detailed levels determined to be appropriate on a state-by-state basis, characterization, mapping and modeling of the hydrogeological configuration of the High Plains Aquifer.

(b) OBJECTIVES.—The objectives of the Program are to:

(1) provide for the hydrogeologic characterization, mapping and modeling of the High Plains Aquifer through a cooperative partnership effort between the U.S. Geological Survey and the High Plains Aquifer States;

(2) coordinate Federal, State, and local data, maps, and models into an integrated physical characterization of the High Plains Aquifer;

(3) support State and local activities with scientific and technical specialists; and

(4) undertake activities and provide technical capabilities not available at the State and local levels as may be requested by a Governor of a High Plains Aquifer State within such state.

(c) REQUESTS FROM GOVERNORS.—The Governor of a High Plains Aquifer State may submit a proposal to the Secretary requesting the Secretary to undertake activities and provide financial and technical capabilities not available at the State and local levels to carry out the purposes of the Program.

(d) REVIEW PANEL.—Not later than six months after the date of enactment of this Act, the Secretary shall establish a Review Panel to: (1) evaluate the proposals submitted for funding under subsection (f); and (2) review and coordinate Program priorities. In performing its functions, the Review Panel shall consult with the Association and the Council.

(e) COMPOSITION AND SUPPORT.—The Review Panel shall be comprised of: (1) five representatives of the United States Geological Survey, at least two of which shall be hydrologists or hydrogeologists; and (2) one representative who is knowledgeable regarding hydrogeologic data and information from each of the High Plains Aquifer States that elects to participate in the Program. Each representative of a High Plains Aquifer State shall be recommended by the Governor of such State. The Secretary shall provide technical and administrative support to the Review Panel. Expenses for the Review Panel shall be paid from Program funds other than those referred to in subsection (f).

(f) FUNDING.—Fifty percent of the funds appropriated to carry out this Program shall be allocated equally by the Secretary for the participation of State and local agencies and institutions of higher education within each of the High Plains Aquifer States that elects to participate in the Program. Grants may be made by the Secretary from the funds described in this subsection based on proposals that have been recommended by the Governor and reviewed by the Review Panel. Proposals for multistate activities must be recommended by the Governors of all the affected States.

SEC. 4. REPORTS.

(a) REPORT ON PROGRAM IMPLEMENTATION.—One year after the date of enactment of this Act, and every 3 years thereafter through fiscal year 2011, the Secretary shall include a report on the Program in the annual budget documents for the Department of the Interior. The initial report submitted by the Secretary shall contain a Program plan developed with the concurrence of the Review Panel.

(b) REPORT ON HIGH PLAINS AQUIFER.—No later than four years after the date of enactment of this Act and upon completion of the Program in fiscal year 2011, the Secretary shall submit an interim and final report, respectively, to the Governors of the High Plains Aquifer States on the status of the High Plains Aquifer.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2011 to carry out this Act.

Amend the title so as to read: ''A bill to authorize the Secretary of the Interior to Cooperate with the High Plains Aquifer

States in Conducting a Hydrogeologic Characterization, Mapping, and Modeling Program for the High Plains Aquifer, and for other purposes.''

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 212), as amended, was read the third time and passed.

REINSTATEMENT AND EXTENSION OF THE DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF A HYDROELECTRIC PROJECT IN THE STATE OF ILLINOIS

The bill (S. 220) to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 11214, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section—

(1) reinstate the license for the construction of the project as of the effective date of the surrender of the license; and

(2) extend the time period during which the licensee is required to commence the construction of the project for 3 consecutive 2-year periods beyond the date that is 4 years after the date of issuance of the license.

MOUNT NAOMI WILDERNESS BOUNDARY ADJUSTMENT ACT

The bill (S. 278) to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes, was considered, ordered to be engrossed for a third reading, read a third time, and passed as follows:

S. 278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mount Naomi Wilderness Boundary Adjustment Act''.

SEC. 2. BOUNDARY ADJUSTMENTS.

(a) LANDS REMOVED.—The boundary of the Mount Naomi Wilderness is adjusted to exclude the approximately 31 acres of land depicted on the Map as ''Land Excluded''.

(b) LANDS ADDED.—Subject to valid existing rights, the boundary of the Mount Naomi Wilderness is adjusted to include the approximately 31 acres of land depicted on the Map as ''Land Added''. The Utah Wilderness Act of 1984 (Public Law 98–428) shall apply to the land added to the Mount Naomi Wilderness pursuant to this subsection.

SEC. 3. MAP.

(a) DEFINITION.—For the purpose of this Act, the term ''Map'' shall mean the map entitled ''Mt. Naomi Wilderness Boundary Adjustment'' and dated May 23, 2002.

(b) MAP ON FILE.—The Map shall be on file and available for inspection in the office of the Chief of the Forest Service, Department of Agriculture

(c) CORRECTIONS.—The Secretary of Agriculture may make technical corrections to the Map.

CATOCTIN MOUNTAIN NATIONAL RECREATION AREA DESIGNATION ACT

The Senate proceeded to consider the bill (S. 328) to designate Catoctin Mountain Park in the State of Maryland as the ''Catoctin Mountain National Recreation Area'', and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Catoctin Mountain National Recreation Area Designation Act''.

[SEC. 2. FINDINGS AND PURPOSE.

[(a) FINDINGS.—Congress finds that—

[(1) the Catoctin Recreation Demonstration Area, in Frederick County, Maryland—

[(A) was established in 1933; and

[(B) was transferred to the National Park Service by executive order in 1936;

[(2) in 1942, the presidential retreat known as ''Camp David'' was established in the Catoctin Recreation Demonstration Area;

[(3) in 1952, approximately 5,000 acres of land in the Catoctin Recreation Demonstration Area was transferred to the State of Maryland and designated as Cunningham Falls State Park;

[(4) in 1954, the Catoctin Recreation Demonstration Area was renamed ''Catoctin Mountain Park'';

[(5) the proximity of Catoctin Mountain Park, Camp David, and Cunningham Falls State Park and the difference between management of the parks by the Federal and State government has caused longstanding confusion to visitors to the parks;

[(6) Catoctin Mountain Park is 1 of 17 units in the National Park System and 1 of 9 units in the National Capital Region that does not have the word ''National'' in the title; and

[(7) the history, uses, and resources of Catoctin Mountain Park make the park appropriate for designation as a national recreation area.

[(b) PURPOSE.—It is the purpose of this Act to designate Catoctin Mountain Park as a national recreation area to—

[(1) clearly identify the park as a unit of the National Park System; and

[(2) distinguish the park from Cunningham Falls State Park.

[SEC. 3. DEFINITIONS.

[(a) MAP.—The term ''map'' means the map entitled ''Catoctin Mountain National Recreation Area'', numbered 841/80444, and dated August 14, 2002.

[(b) RECREATION AREA.—The term ''recreation area'' means the Catoctin Mountain National Recreation Area designated by section 4(a).

[(c) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

[SEC. 4. CATOCTIN MOUNTAIN NATIONAL RECREATION AREA.

[(a) DESIGNATION.—Catoctin Mountain Park in the State of Maryland shall be known and designated as the ''Catoctin Mountain National Recreation Area''.

[(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to Catoctin Mountain Park shall be deemed to be a reference to the Catoctin Mountain National Recreation Area.

[(c) BOUNDARY.—

[(1) IN GENERAL.—The recreation area shall consist of land within the boundary depicted on the map.

[(2) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

[(3) ADJUSTMENTS.—The Secretary may make minor adjustments in the boundary of the recreation area consistent with section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9(c)).

[(d) ACQUISITION AUTHORITY.—The Secretary may acquire any land, interest in land, or improvement to land within the boundary of the recreation area by donation, purchase with donated or appropriated funds, or exchange.

[(e) ADMINISTRATION.—The Secretary shall administer the recreation area—

[(1) in accordance with this Act and the laws generally applicable to units of the National Park System, including—

[(A) the Act of August 25, 1916 (16 U.S.C. 1 et seq.); and

[(B) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); and

[(2) in a manner that protects and enhances the scenic, natural, cultural, historical, and recreational resources of the recreation area.

[SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated such sums as are necessary to carry out this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Catoctin Mountain National Recreation Area Designation Act''.

SEC. 2. CATOCTIN MOUNTAIN NATIONAL RECREATION AREA.

(a) DESIGNATION.—Catoctin Mountain Park in the State of Maryland is designated as the Catoctin Mountain National Recreation Area.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to Catoctin Mountain Park shall be deemed to be a reference to the Catoctin Mountain National Recreation Area (hereinafter referred to as the ''recreation area'').

(c) BOUNDARY.—

(1) IN GENERAL.—The recreation area shall consist of land within the boundary depicted on map entitled ''Catoctin Mountain National Recreation Area'' numbered 841/80444A, and dated March 7, 2003.

(2) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) MINOR BOUNDARY ADJUSTMENTS.—The Secretary of the Interior may make minor adjustments in the boundary of the recreation area consistent with section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9(c)).

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of the Interior shall administer the recreation area in a manner that protects and enhances the scenic, natural, cultural, historical, and recreational

resources of the recreation area, in accordance with this Act and the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1, 2–4) and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).''

(2) COOPERATIVE AGREEMENT.—The Secretary of the Interior shall enter into a cooperative agreement with the Secretary of the Navy for the operation of the presidential retreat, known as Camp David, while preserving the site as part of the national recreation area. Nothing done under this Act shall conflict with the administration of the presidential retreat as a residence for the President and his family and for his official purposes, nor shall it alter any privileges, powers, or duties vested in the White House Police and the United States Secret Service, Treasury Department, by section 202 of title 3, United States Code, and section 3056 of title 18, United States Code.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 328), as amended, was read the third time and passed.

RIM OF THE VALLEY CORRIDOR STUDY

The Senate proceeded to consider the bill (S. 347) to direct the Secretary of the Interior and the Secretary of Agriculture to conduct a joint special resources study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Rim of the Valley Corridor Study Act''.

[SEC. 2. RIM OF THE VALLEY CORRIDOR STUDY.

[(a) IN GENERAL.—The Secretary of the Interior and the Secretary of Agriculture (in this Act referred to as the ''Secretaries'') shall conduct a joint special resource study of the lands, waters, and interests of the area comprising the Rim of the Valley Corridor in Southern California, as depicted on the map entitled ''SANTA MONICA MOUNTAINS CONSERVANCY ZONE—RIM OF THE VALLEY CORRIDOR Parklands and Open Space'' and dated July 30, 2002.

[(b) STUDY TOPICS.—The study shall evaluate the suitability and feasibility of establishing the area as a unit of the Santa Monica Mountains National Recreation Area.

[(c) CRITERIA.—In conducting the study authorized by this section, the Secretaries shall use the criteria for the study for areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

[(d) CONSULTATION.—In conducting the study authorized by this section, the Secretaries shall consult with appropriate State, county and local government entities.

[SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rim of the Valley Corridor Study Act''.

SEC. 2. RIM OF THE VALLEY CORRIDOR STUDY.

The Secretary of the Interior and the Secretary of Agriculture shall conduct a joint resources study of the lands, waters, and interests of the area comprising the Rim of the Valley Corridor in Southern California, as depicted on the map entitled ''Santa Monica Mountains Conservancy Zone—Rim of the Valley Corridor Parklands and Open Space'' and dated July 30, 2002, to evaluate a range of alternative for protecting resources, including the suitability and feasibility of establishing the area as a unit of the Santa Monica Mountains National Recreation Area. The Secretaries shall consult with appropriate State, county and local government entities in conducting the study.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Amend the title so as to read: ''A bill to direct the Secretary of the Interior and the Secretary of Agriculture to conduct a joint resource study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area, and for other purposes.''.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 347), as amended, was read the third time and passed.

REINSTATEMENT AND EXTENSION OF THE DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF A HYDROELECTRIC PROJECT IN THE STATE OF ILLINOIS

The bill (H.R. 397) to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois, was considered, ordered to a third reading, read the third time, and passed.

H.R. 397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 11214, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section—

(1) reinstate the license for the construction of the project as of the effective date of the surrender of the license; and

(2) extend the time period during which the licensee is required to commence the construction of the project for 3 consecutive 2-year periods beyond the date that is 4 years after the date of issuance of the license.

SENSE OF SENATE REGARDING ARRESTS OF CUBAN DEMOCRACY ACTIVISTS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 97 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read the resolution as follows:

A resolution (S. Res. 97) expressing the sense of the Senate regarding the arrests of Cuban democracy activists by the Cuban Government.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, the Nelson of Florida amendment to the preamble, which is at the desk, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 97) was agreed to.

The amendment to the preamble (No. 525) was agreed to as follows:

AMENDMENT NO. 525

(Purpose: To express the sense of the Senate regarding the arrests of Cuban democracy activists by the Cuban Government)

Delete the preamble and insert in lieu thereof:

''Whereas on March 18, 2003, Fidel Castro and the Government of Cuba began an island-wide campaign to arrest and jail dozens of prominent democracy activists and critics of the repressive regime;

''Whereas since March 18, 2003, the Cuban police have arrested approximately 80 Cubans for engaging in free speech under Law 88, the Law for the Protection of National Independence and the Economy of Cuba, which is a notorious law passed 3 years ago by the communist country;

''Whereas the imprisoned political opponents of Castro include librarians, journalists, and others who have supported the Varela Project, which seeks to bring free speech, open elections, and democracy to the island nation;

''Whereas during this crackdown, widely recognized as the most severe in some time, Fidel Castro is inhumanely pursuing the harshest punishments for these political prisoners, including pursuing life sentences for as many as 12; and

''Whereas the failure to condemn the Cuban Government's renewed political repression of democracy activists will undermine the opportunity for freedom on the Island.''

The preamble, as amended, was agreed to.

The resolution (S. Res. 97), with its preamble, as amended, reads as follows:

S. RES. 97

Whereas on March 18, 2003, Fidel Castro and the Government of Cuba began an island-wide campaign to arrest and jail dozens of prominent democracy activists and critics of the repressive regime;

Whereas since March 18, 2003, the Cuban police have arrested more than 100 Cubans

for engaging in free speech under Law 88, the Law for the Protection of National Independence and the Economy of Cuba, which is a notorious law passed 3 years ago by the communist county;

Whereas the imprisoned political opponents of Castro include librarians, journalists, and others who have supported the Varela Project, which seeks to bring free speech, open elections, and democracy to the island nation;

Whereas Fidel Castro has seized the opportunity to expand his brutal oppression of the Cuban people while the attention of the United States and other nations around the world is focused on the war in Iraq; and

Whereas the failure to condemn the Cuban Government's renewed political repression of democracy activists will undermine the opportunity for freedom on the Island: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the recent arrests and other intimidation tactics against democracy activists by the Castro regime;

(2) calls on the Cuban Government to immediately release those imprisoned and held during this most recent crackdown for activities the government wrongly deems ''subversive, counter-revolutionary, and provocative'';

(3) reaffirms Senate Resolution 272, 107th Congress, agreed to June 10, 2002, which was agreed to without opposition and which called for, among other things, amnesty for all political prisoners;

(4) praises the bravery of those Cubans who, because they practiced free speech and signed the Varela Project petition, have been targeted in this most recent government crackdown; and

(5) urges the President to demand the immediate release of these prisoners and to take all appropriate steps to secure their immediate release.

AUTHORIZING TESTIMONY AND LEGAL REPRESENTATION

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 105, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 105) to authorize testimony and legal representation in State of New Hampshire versus Macy E. Morse, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 105) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, was agreed to as follows:

S. RES. 105

Whereas, in the case of State of New Hampshire v. Macy E. Morse, et al., pending in Portsmouth District Court for the State of New Hampshire, testimony has been requested from Joel Maiola, a staff member in the office of Senator Judd Gregg;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Joel Maiola is authorized to provide testimony in the case of State of New Hampshire v. Macy E. Morse, et al., except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Joel Maiola in connection with any testimony authorized in section one of this resolution.

50TH ANNIVERSARY OF FOREIGN AGRICULTURAL SERVICE OF DEPARTMENT OF AGRICULTURE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 106, which was submitted earlier today by Senator COCHRAN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 106) expressing the sense of the Senate with respect to the 50th anniversary of the Foreign Agricultural Service of the Department of Agriculture.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 106) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 106

Whereas during the term of President Dwight David Eisenhower and the era of Secretary of Agriculture Ezra Taft Benson, it became apparent that the development of external markets was needed to ensure the financial viability of the agricultural sector of the United States;

Whereas the Foreign Agricultural Service was established on March 10, 1953, to develop and expand markets for United States agricultural commodities and products;

Whereas the Foreign Agricultural Service has represented agricultural interests of the United States during a period of expansion of United States agricultural exports from less than $3,000,000,000 in 1953 to more than $50,000,000,000 in 2002; and

Whereas the number of organizations engaged in the public and private partnership established by the Foreign Agricultural Service to promote United States agricultural exports has grown from 1 organization in 1955 to more than 80 organizations in 2003, with market development and expansion occurring in nearly every global marketplace: Now, therefore, be it

Resolved, That the Senate—

(1) on the 50th anniversary of the establishment of the Foreign Agricultural Service on March 10, 1953, recognizes the Service for—

(A) cooperating with, and leading, the United States agricultural community in developing and expanding export markets for United States agricultural commodities and products;

(B) identifying the private partners capable of carrying out the mission of the Service;

(C) identifying and expanding markets for United States agricultural commodities and products;

(D) introducing innovative and creative ways of expanding the markets;

(E) providing international food assistance to feed the hungry worldwide;

(F) addressing unfair barriers to United States agricultural exports;

(G) implementing strict procedures governing the use and evaluation of programs and funds of the Service; and

(H) overseeing the use of taxpayers dollars to carry out programs of the Service; and

(2) declares that March 10, 2003, is a day recognizing—

(A) the 50th anniversary of the establishment of the Foreign Agricultural Service; and

(B) the contributions of the Foreign Agricultural Service and employees and partners of the Service to agriculture in the United States.

NOMINATION OF PRISCILLA OWEN TO BE UNITED STATES CIRCUIT JUDGE

Mr. SESSIONS. Mr. President, I believe the majority leader will be in the Chamber in a moment. While we wait, I will take this opportunity to share a few thoughts about an extraordinary nominee to the United States Court of Appeals for the Fifth Circuit, Priscilla Owen.

She is, from my observation of hearings before the Senate Judiciary Committee, an excellent, superb, truly magnificent nominee for the court of appeals. Justice Owen went to Baylor Law School, a very fine law school, and as I recall, finished second or third in her class, then took the bar exam. Every person who wants to be admitted to the bar in Texas has to take it. They study as they can and take the test. It is reported she made the highest single score on the Texas bar exam when she graduated from Baylor Law School. She was on the Law Review at Baylor law school.

She went to work at one of the finest law firms in Texas, did very well, achieved a very nice level of compensation as would be commensurate with that position, and many considered her to be perhaps the finest litigator in the State of Texas, a very high honor. The State of Texas Supreme Court had

problems and they were looking for good candidates to run for that court. People talked to her about it. She thought about it and decided she would run. She would give up the practice, as lucrative as it was, and give herself to public service. She ran for the Supreme Court of Texas and won that race. She served that term, ran again, and was elected with 87 percent of the vote of the people of Texas.

This is a remarkable record, the finest bar exam score, the highest score in Texas, the very top of her law school class, editor of Law Review at Baylor University Law School, and in every way the kind of background you would want for a Federal appellate judge. Of course, she had a number of years on the Supreme Court of Texas and handled that work in an extraordinary way.

When President Bush thought about who would be a good nominee to his home circuit, the Fifth Circuit—Texas, Louisiana, Mississippi—he looked no further than Justice Owen, who had been so useful on the Supreme Court of Texas, who had been so popular, who was such an outstanding lawyer, a person of the highest possible integrity and great skill and ability. That is why he chose to nominate her. No wonder he did.

Things looked good, it seemed to me. We had a hearing on her in the Judiciary Committee. She answered the questions superbly, with great patience, great clarity of thought and expression. She dealt with each objection anyone would throw out to her. She explained the cases that she ruled on and why she ruled the way she did. She was asked and she told the story about her campaign finance. She had such a good race the second time she ran that she did not spend all the money contributed to her campaign, and she did something I have never heard of before. She sent some of it back to everyone who contributed to her. That is the kind of person we are talking about. I have never seen it in candidates. I have seen them give it to other candidates but not send it back to contributors, when she might yet again run for office and need that money in the future.

I thought we were on the road to a first-rate quick confirmation. Unfortunately, groups raised objections and targeted this nominee. How they pick nominees to target, I don't know, but this fine woman from the Texas Supreme Court is one they should not have targeted, in my view. They raised quite a number of complaints.

One of them alleged that in the Ford Motor Company v. Miles case, a product liability case resulting from an automobile accident, Justice Owen overturned well-established venue precedence. That is a weak argument that did not hold up under scrutiny. Venue is the technical term for the proper county in which to file a lawsuit. In this case, Justice Owen cited settled law in Texas which required that the lawsuit be filed where a company has an agent or a representative. Ford did not have an agent or a representative in the county where this lawsuit was filed. In her opinion, Justice Owen was joined by Democrats. She concluded that the plaintiff should have filed the lawsuit in the county where she lived, where the car was purchased, and the accident occurred.

These same groups have argued that Justice Owen is anticonsumer and antijury because she agreed with the trial court, a lower court, that the plaintiff's claims were without merit in the City of McAllen v. De La Garza. The plaintiff in this case was a passenger in a vehicle driven by a drunk driver. The driver apparently fell asleep, veered off the road, traveled over 100 feet, ran through a wire fence, knocked over several fence poles, all before landing in a limestone pit owned by the city of McAllen. The man was drunk, drove off the road, went through a fence, knocked over several posts, and ran into the pit. And he sued the city. The plaintiff, remarkably argued, despite the fact that he as a drunk driver caused the accident, that the city owed a duty to warn drivers of where the limestone pit was, several feet away from the road, barricaded by a fence and other obstacles not part of the ordinary course of travel.

That is the kind of thing that judges deal with every day. They do not just rule because they like a case or do not like a case. They go back and look at the precedent. They consider the statutes. They consider what the law is, and they determine if the city of McAllen, TX, had a responsibility to put up a specific sign that said there was a limestone pit out there. Maybe the neighbors would not like a tacky old sign saying there was a limestone pit there. They put up a fence so it would not be seen. The groups criticized her for that.

One of the things they complained about, in addition to that, was that she had ruled in favor of lower court judges who had held that young women under Texas law would be required to inform their parents if they intended to have an abortion. Texas passed a law that dealt with this circumstance. What the Texas Legislature concluded was that if a child were to have a serious procedure such as an abortion, they should at least tell the parents. They did not declare that the parents had to consent, just that the child had to tell. And to try to avoid constitutional complaint, they put in the idea that if there was a potential for abuse, if there was some justifiable reason—and they spelled out some of those—the child would not have to tell the parent.

Several cases came up to Judge Owen because she is on the Supreme Court. The lower court judge held a hearing and concluded the young person had no basis not to tell their parents. The parents were not going to abuse them. It was not a problem in this case. You cannot give a child an aspirin in school without parental consent, but here they said you had to tell the parent under Texas law.

Then the case went from that judge to an immediate court of appeals in Texas, and the court of appeals studied the case and studied the trial court judge's ruling and they affirmed it in two or three cases while Justice Owen was on the Supreme Court and they affirmed the trial court, too.

So then it comes up to the Supreme Court of Texas, and Justice Owen read the case and studied the law, and went further than most judges would have. She read the Supreme Court Federal cases about abortion. She thought about the words the Supreme Court used in those cases. She wrote in her opinion that she assumed the statutes were trying to make sure they did not violate Federal law and Federal Supreme Court rulings. Texas tried to word the parental consent statute in a way that was consistent with the U.S. Supreme Court, so she interpreted the words that way and analyzed whether or not the Texas law was such that this child should have to notify her parents or not. She agreed with the three judges and the trial court below her.

So what the groups say is: Oh, she is not fit for the Supreme Court because she is not happy about abortion. She favors having children tell parents about whether or not they have abortions. She does not follow the law.

If somebody studied that opinion, they would see she went to great care to follow the Supreme Court, to follow the language they used. She has, to my knowledge, never publicly expressed an opinion about abortion. She has not been out here campaigning against it or making any big to-do about it. What her personal views are, are her own. Indeed, 80 percent of the American people favor requiring a minor to discuss with her parents a serious procedure such as abortion.

Children in Texas are required to get consent of a parent before they have a tattoo, which is probably a good idea, body piercing, or even an aspirin at school. That is the Texas law that Justice Owen interpreted required a simple notification, but not a consent, of just one parent. Her opinion affirming that law and the lower court judges was not out of the mainstream of American law. There is just no doubt about it.

But there is an ideological movement around here which suggests that anybody who happens to be pro-life—and we don't even know for sure, to my knowledge, whether Priscilla Owen is pro-life or pro-choice—but anyway, anybody who rules in this fashion is not fit for the courts of appeals of the United States.

It is really troubling to me when we see this happen to candidates of the quality of Jeffrey Sutton, the quality of Priscilla Owen, or Miguel Estrada, people who have received the highest ABA rating, unanimously, by the bar association. The American Bar Association does background checks on

nominees. What they do is they make the nominees list all the major cases they have handled, list the judges who tried those cases, list the names of the lawyers on the other side of the cases, and who their clients were. These ABA people—and I like what they do—go out and talk to a lawyer on the other side of the case. They talk to the judge: How did these lawyers handle themselves? Did they conduct themselves with integrity? Were they skilled in argument? Did they understand and make common-sense arguments? Are they hard to deal with? Irritable? Duplicitous and sneaky? That is what they do. They came out and gave her the highest possible rating after doing all of that. That is the reason why I would ask how a person with her background, her skill, her experience, with that kind of rating of the ABA—why they would pick her to try to block? I hope it is not so, really. I hope we do not have a filibuster on this case like we do, in fact, have with Miguel Estrada. Maybe we will and maybe we will not.

I just cannot believe it, frankly. I cannot believe it is possible that Members of this body would conduct a filibuster against a candidate for the court of appeals as qualified, as superbly qualified as Priscilla Owen. It is just beyond my comprehension that that could ever occur here.

There is not one hint she has anything other than the highest integrity. There is no doubt she is brilliant. There is no doubt she has given her life to the law and knows it and that is what she has done throughout her career. She loves the law. She respects it and she cares about it. She cares about it deeply enough to enforce the law as written, whether or not she agrees with it. She will follow Supreme Court rulings even if she were to disagree with them, like she repeatedly pledged to do, because she is a lawyer and a judge who believes in the rule of law.

I think we will be facing a very sad event here in the next day or so if we end up with further objections—objections to bringing her up for a vote, in effect having a filibuster. It is just beyond my comprehension.

In the history of this country, we have never had a filibuster of a court of appeals judge or a district judge. The Constitution says by advice and consent the Senate, in effect, will confirm or reject a President's nominee. The clear meaning of that statute and the way it is written leaves no doubt that it means a majority vote. Yet through the utilization of the filibuster rule, some in this body are using a rule that has never before been used for a court of appeals judge or district court judge in the history of this country. The effect has been to ratchet that up to a 60-percent vote—you have to have 60 votes here.

You know from Miguel Estrada, he has already received 54 or 55 votes for confirmation, which is a clear majority. But because he does not have a 60-vote margin, he is not able to come up for an up-or-down vote.

I hope we are not going to see that in the case of Priscilla Owen. She is entitled to an up-or-down vote. She is entitled to be confirmed as a Justice on the Fifth Circuit Court of Appeals. President Bush knew her, he knew her reputation. He picked one of the finest people who could be picked for any court of appeals position anywhere in this country, right in his home State of Texas. Is that why they are objecting to her, because it is his State? I don't know. But it cannot be on the merits.

I have looked at this matter. I have seen the arguments. I attended her hearing. I saw how well she handled herself. I believe and I hope and pray this body will not descend into a pattern of filibuster of nominees for the courts of appeals of this country, or for the district courts, or even for the Supreme Court of the United States. That would be a terrible alteration of our traditions, maybe even be in violation of the Constitution, which says a majority vote is what it takes to advise and consent on Presidential nominees. It is something we ought to think very seriously about.

I hope my colleagues will not take that route and will give her an up-or-down vote. If they do, I have no doubt she will be confirmed.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

The PRESIDING OFFICER. Under the order of the Senate of April 3, 2003, the Senate having received H.R. 1559, all after the enacting clause is stricken and the text of S. 762 is inserted in lieu thereof; H.R. 1559 is read the third time and passed. The Senate insists on its amendment, requests a conference with the House, and the Chair appoints Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, and Ms. LANDRIEU conferees on the part of the Senate.

Under the previous order, the passage of S. 762 is vitiated and the bill is placed back on the calendar.

The Senator from Alabama.

(The remarks of Mr. SESSIONS pertaining to the introduction of S. 807 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

RENAMING THE GUAM SOUTH ELEMENTARY/MIDDLE SCHOOL OF THE DEPARTMENT OF DEFENSE DOMESTIC DEPENDENTS ELEMENTARY AND SECONDARY SCHOOLS SYSTEM

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of H.R. 672, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 672) to rename the Guam South Elementary/Middle School of the Department of Defense Domestic Dependents Elementary and Secondary Schools System in honor of Navy Commander William ''Willie'' McCool, who was the pilot of the Space Shuttle Columbia when it was tragically lost on February 1, 2003.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The bill (H.R. 672) was read the third time and passed.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Secretary of the Senate, pursuant to Public Law 101–509, the appointment of Paul Gherman, of Tennessee, to the Advisory Committee on the Records of Congress.

ORDERS FOR TUESDAY, APRIL 8, 2003

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Tuesday, April 8. I further ask unanimous 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 for their use later in the day, and there then be a period of morning business until 10:30 a.m., with the time equally divided between Senator HUTCHISON and the minority leader or his designee; provided that at 10:30 a.m., the Senate return to executive session and resume consideration of the nomination of Priscilla Owen to be a circuit judge for the Fifth Circuit.

I further ask unanimous consent that the Senate recess from 12:30 to 2:15 p.m.

tomorrow for the weekly party luncheons.

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

PROGRAM

Mr. SESSIONS. For the information of all Senators, on behalf of Senator FRIST, the majority leader, the Senate will be in a period of morning business tomorrow until 10:30 a.m. Following morning business, the Senate will resume debate on the nomination of Priscilla Owen. A number of Senators have indicated that they are prepared to speak on her nomination, and I hope they will do so during tomorrow's session.

Also as a reminder, it is my expectation that the Senate will take up the CARE Act tomorrow afternoon under the agreement reached last week.

As mentioned this morning, there are a number of issues that may be addressed this week prior to the Easter recess therefore, Senators should expect votes each day of the session.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SESSIONS. 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 7:06 p.m., adjourned until April 8, 2003, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 7, 2003:

DEPARTMENT OF JUSTICE

RICHARD JAMES O'CONNELL, OF ARKANSAS, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS, VICE KENNETH RAY MCFERRAN.

ROBERT D. MCCALLUM, JR., OF GEORGIA, TO BE ASSOCIATE ATTORNEY GENERAL, VICE JAY B. STEPHENS, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

STEVEN B. NESMITH, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE MELODY H. FENNEL.

NATIONAL INSTITUTE OF BUILDING SCIENCES

PAUL PATE, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2003, VICE H. TERRY RASCO, TERM EXPIRED.

PAUL PATE, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2006. (REAPPOINTMENT).

LANE CARSON, OF LOUISIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2004, VICE CHRISTINE M. WARNKE, TERM EXPIRED.

JAMES BROADDUS, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2004, VICE JOHN H. MILLER, TERM EXPIRED.

JOSE TERAN, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2005, VICE CHARLES A. GUELI, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN W. ROSA JR., 0000

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 JOHN B. HANDY, 0000
BRIGADIER GENERAL MARVIN S. MAYES, 0000
BRIGADIER GENERAL DOUGLAS R. MOORE, 0000
BRIGADIER GENERAL RICHARD L. TESTA, 0000

To be brigadier general

COLONEL JOSEPH G. BALSKUS, 0000
COLONEL BOBBY L. BRITTAIN, 0000
COLONEL THOMAS J. DEARDORFF, 0000
COLONEL MICHAEL P. HICKEY, 0000
COLONEL CHARLES V. ICKES II, 0000
COLONEL WILLIAM B. JERNIGAN, 0000
COLONEL HENRY C. MORROW, 0000
COLONEL DONALD J. QUENNEVILLE, 0000
COLONEL DANIEL R. SCACE, 0000
COLONEL TIMOTHY W. SCOTT, 0000
COLONEL EUGENE A. SEVI, 0000
COLONEL DARRYLL D. M. WONG, 0000

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

To be brigadier general

COL. THOMAS F. DEPPE, 0000

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

To be brigadier general

COL. GUY K. DAHLBECK, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DOUGLAS M. STONE, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) ROBERT RYLAND PERCY III, 0000

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

To be rear admiral (lower half)

CAPT. THOMAS K. BURKHARD, 0000

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

To be rear admiral (lower half)

CAPT. RICHARD E. CELLON, 0000

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER 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

WILLIAM T. BOYD, 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

RICHARD D. DANIELS, 0000
KYLE J. DAY, 0000
MARK W. HUNT, 0000
CRAIG V. MORGAN, 0000
GEORGE G. PERRY III, 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

GARY L. HAMMETT, 0000
WILLIAM P. MCGINNIS, 0000
DAVID B. RIANO, 0000
RONNIE N. SHELL, 0000
DAVID L. SMITH, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JEFFREY ACOSTA, 0000
ARTHUR E ADAMS, 0000
DANA P ALBERT, 0000
GEORGE C AUCOIN JR., 0000
MICHAEL D BRENEMAN, 0000
DAVID G BROWN, 0000
RALPH N BROWN, 0000
RAYMOND N BRUNEAU, 0000
CHRISTOPHER R BUESCHER, 0000
PAUL J BURKE, 0000
DAVID H CAHN, 0000
SANDRA J CAMPBELL, 0000
JAMES M CHAMBERLIN, 0000
CATHERINE D CHASE, 0000
JOHN D CODDOU, 0000
JEFFREY D COLE, 0000
STEVEN A COLLINS, 0000
GEFFREY L COOPER, 0000
ROBERT P DADAY JR., 0000
PETER N DESALVA, 0000
MILES V DIAMOND, 0000
JOHN T DURKIN, 0000
WILLIAM O DWIGGINS, 0000
CARRIE L DYER, 0000
MARK L ECONIE, 0000
FLORA M EMERSON, 0000
JOSEPH L FALVEY JR., 0000
ALLAN M FAXON JR., 0000
GREGORY M FERKETISH, 0000
JOSEPH P FIGUEREDO III, 0000
LAURENCE D FOY, 0000
TIMOTHY E FRANK, 0000
MICHAEL L GALLAGHER, 0000
DAVID N GILL, 0000
JOHN GIORGIO JR., 0000
MARK GOLDNER, 0000
REED H GRABOWSKI, 0000
MICHAEL D GREER, 0000
DONALD C HALES, 0000
ROBERT M HANSON, 0000
PAUL G HASTINGS JR., 0000
KATHLEEN G HENDERSON, 0000
JAMES D HERRINGTON, 0000
MARK C HESSLER, 0000
LYNN M HICKS, 0000
GEORGE N HIMARAS, 0000
JENNY M HOLBERT, 0000
CHARLES G IKINS, 0000
ROBERT D ING JR., 0000
KEVIN E JOHNS, 0000
DARCY R KAUER, 0000
MICHAEL J KEEGAN, 0000
RALPH S KEELY, 0000
ROBERT W KELLY JR., 0000
THOMAS R KELLY JR., 0000
JOHN M LACROSSE, 0000
GARY E LAMBERT, 0000
JOHN D LESINSKI, 0000
CHRISTOPHER J LEWIS, 0000
PETER D LLOYD, 0000
MARK C LOSACK, 0000
MICHAEL D MALONE, 0000
RODNEY C MANN, 0000
DOMAN O MCARTHUR, 0000
THOMAS F MCFARLAND, 0000
JAMES D MCGINLEY, 0000
ERNEST J MILLER, 0000
JONATHAN S MILLER, 0000
BARBARA J MORONEY, 0000
JOSEPH C MUNCH, 0000
DAVID R MUSGRAVE, 0000
DAVID L NEELY, 0000
WAYNE J PAYNE, 0000
JOSEPH N PULTRO, 0000
KENNETH J PUNTER, 0000
JAMES T REYNOLDS, 0000
HOON RHEE, 0000
CHARLES E RICE, 0000
LARRY J RICHARDS, 0000
PATRICK E RILEY, 0000
LAWRENCE B ROBSON, 0000
CHRISTOPHER A ROOSA, 0000
BRADLEY P SALMON, 0000
KEVIN C SAWYER, 0000
THOMAS G SCULLY, 0000
JOHN S SHARPE, 0000
TERRY M SHEPHARD, 0000
HARLEY T SKIDMORE III, 0000
JUDY G SMITH, 0000
JOHN J SULLIVAN JR., 0000
SEAN T SULLIVAN, 0000
DAVID W THATCHER JR., 0000
MICHAEL A THORSBY, 0000
ROBERT E TOBIN, 0000
BRIAN J TUCKER, 0000
ROBERT H WAGNER JR., 0000
PAUL J WAPENSKY, 0000
KEVIN W WEBER, 0000
JOHN G WEMETT, 0000

CONFIRMATION

Executive nomination confirmed by the Senate April 7, 2003:

THE JUDICIARY

CORMAC J. CARNEY, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.