H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4963. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 4940 submitted by Mr. DODD and intended to be proposed to the amendment SA 4901 proposed by Mr. THOMPSON (for Mr. GRAMM (for himself, Mr. MILLER, Mr. THOMPSON, Mr. BARKLEY, and Mr. VOINOVICH)) to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4964. Mr. NELSON, of Nebraska (for himself, Mr. HARKIN, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 124, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4962. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 4902 proposed by Mr. LIEBERMAN (for himself, Mr. MCCAIN, and Mr. NELSON of Nebraska) to the amendment SA 4901 proposed by Mr. THOMPSON (for Mr. GRAMM (for himself, Mr. MILLER, Mr. THOMPSON, Mr. BARKLEY and Mr. VOINOVICH)) to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike all in the pending amendment No. 4902 and insert in lieu thereof the following:

Notwithstanding any other provision of this Act, section 1314 of the Thompson amendment is null and void, and shall have no effect.

SA 4963. Mr. GRAMM submitted an amendment intended to be proposed to amendment SA 4940 submitted by Mr. DODD and intended to be proposed to the amendment SA 4901 proposed by Mr. THOMPSON (for Mr. GRAMM (for himself, Mr. MILLER Mr. THOMPSON, Mr. BARKLEY and Mr. VOINOVICH)) to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike all in the pending amendment No. 4940 and insert in lieu thereof the following:

Notwithstanding any other provision of the Thompson amendment is null and void, and shall have no effect.

SA 4964. Mr. NELSON of Nebraska (for himself, Mr. HARKIN, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 124, making further continuing appropriations for the fiscal year 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EMERGENCY AGRICULTURAL ASSISTANCE.

(a) CROP DISASTER ASSISTANCE.—

(1) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the ''Secretary'') shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this subsection available to producers on a farm that have incurred qualifying crop losses for the 2001 or 2002 crop, or both, due to damaging weather or related condition, as determined by the Secretary.

(2) ADMINISTRATION.—The Secretary shall make assistance available under this subsection in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

(3) CROP INSURANCE.—In carrying out this subsection, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(b) LIVESTOCK ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation as are necessary to make and administer payments for livestock losses to producers for 2001 or 2002 losses, or both, in a county that has received a corresponding emergency designation by the President or the Secretary, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(2) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(c) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall—

(1) use such sums as are necessary to carry out this section; and

(2) transfer to section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), an amount equal to the amount of funds under section 32 of that Act that were made available before the date of enactment of this Act to provide disaster assistance to crop and livestock producers for losses suffered during 2001 and 2002, to remain available until expended.

(d) REGULATIONS.—

(1) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this section.

(2) PROCEDURE.—The promulgation of the regulations and administration of this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(e) EMERGENCY DESIGNATION.—

(1) IN GENERAL.—The entire amount made available under this section shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(2) DESIGNATION.—The entire amount made available under this subsection is designated by Congress as an emergency requirement under sections 251(b)(2)(A) and 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

(f) BUDGETARY TREATMENT.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the Joint Explanatory Statement of the Committee of Conference accompanying Conference Report No. 105–217, the provisions of this section that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) were it included in an Act other than an appropriation Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902).

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following calendar numbers: No. 1177 and No. 1179; that the nominations be confirmed, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and any statements be printed in the RECORD.

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

The nominations considered and confirmed are as follows:

THE JUDICIARY

Michael W. McConnell, of Utah, to be United States Circuit Judge for the Tenth Circuit.

DEPARTMENT OF JUSTICE

Kevin J. O'Connor, of Connecticut, to be United States Attorney for the District of Connecticut for the term of four years.

NOMINATION OF MICHAEL W. MCCONNELL

Mr. HATCH. Mr. President, it is my high honor and privilege to speak on the confirmation of Professor Michael McConnell to the Tenth Circuit Court of Appeals. Professor McConnell is a Utahn, a scholar of the highest talent, and a man of profound integrity and judicial temperament.

Professor McConnell holds the prestigious Presidential Professorship at the University of Utah College of Law in Salt Lake City. He began his legal career at the University of Chicago Law School, where he was Comment Editor of the Law Review and graduated Order of the Coif. Thereafter he served as a law clerk for two of the leading liberal jurists of the 20th century: Supreme Court Justice William J. Brennan, Jr. and D.C. Court of Appeals Judge J. Skelly Wright.

After completing those clerkships, Mike became Assistant General Counsel of the Office of Management and Budget and then served as Assistant to the Solicitor General. He then joined

the faculty of the University of Chicago Law School, where he was awarded tenure and later the William B. Graham Professorship.

In addition to his academic credentials, Professor McConnell is an able and experienced appellate lawyer. He has argued eleven cases before the United States Supreme Court—and won nine of them. In fact, the Los Angeles Daily Journal named one of his presentations to the Supreme Court ''best oral argument'' of the year. His clients include a wide range of entities: Fortune 500 companies such as NBC and Ameritech; organizations such as the United States Catholic Conference; municipal authorities including the New York Metropolitan Transit Authority; and many individuals.

This combination of intelligence and experience was very likely the reason that the American Bar Association rated Professor McConnell unanimously ''well qualified''—its highest possible rating.

Now, Mr. President, I imagine you have heard some of the attacks waged against these fine nominees by the usual suspects—that group of Washington-based special interest lobbyists who make their living trying to thwart President Bush's judges. Those groups are trying to make believe that Professor McConnell is out of the mainstream of American politics.

Well, let me set the record strait. I'll mention just a few of the positions Professor McConnell has taken that prove he is an independent-minded thinker who calls things as he sees them, and does not follow anyone else's political prescription. Professor McConnell represented, without charge, three former Democratic Attorneys General in opposition to an order of the first President Bush; publicly opposed impeachment of President Clinton; urged the confirmation of several of President Clinton's judicial nominations; testified against a school prayer amendment; worked, without charge, on a lawsuit representing both People for the American Way and Americans United for the Separation of Church and State; has been described by Supreme Court Justice Antonin Scalia as ''the most prominent scholarly critic'' of Scalia's approach to the free exercise clause; and has served as co-chair—together with a former ACLU president and a former American Bar Association president—of an organization whose purpose is to oppose MY proposed constitutional amendment to protect the American flag from desecration.

So you see, Mr. President, the idea that McConnell is in lock-step with the Republican party is absolutely untrue. Rather than credit all of the unsupported attacks with responses, I instead would like to tell you a couple of things the ARE true about Professor McConnell.

First, Professor McConnell is widely regarded as modern America's most persuasive advocate for the idea that our government should ensure every citizen's right to worship—or not worship—in his or her preferred manner. Through his scholarship and advocacy in court, he has stood up for the rights of all religious people—including members of some politically out-of-favor faiths—to worship free of government restriction or intrusion.

Many Americans believe that the freedom to exercise their own religion is the most profound and important idea on which this country was founded. Before Professor McConnell began his prodigious scholarship in the area of the First Amendment's religion clauses, the idea was taking root that the government must disfavor religion in its policies. That is, judges and scholars believed that all groups must be treated equally except religions, which must be excluded entirely from any government program or policy.

Professor McConnell's scholarship served as a dramatic wake-up call. He researched the Founders' writing and presented with illuminating clarity that the point of free exercise is for government to remain neutral as between religions, and must accommodate religious activity where feasible. He demonstrated there was no basis in the founding for the view that our government must be anti-religion. The persuasiveness of his writing reawakened American legal scholars and judges to the Founders' view that the First Amendment's purpose is to protect religion from government, not the other way around. His work has helped reinvigorate the healthy and dynamic pluralism of religion that has allowed all faiths to flourish in this promised land, the most religiously tolerant nation in human history.

McConnell's views defy political pigeonholing. Although he has generally sided with the so-called liberal wing of the Court on questions of Free Exercise of Religion, McConnell's view of Establishment of Religion is that religious perspectives should be given equal but not favored treatment in the public sphere—a view that has led him to testify against a school prayer amendment, while supporting the rights of religious citizens and groups to receive access to public resources on an equal basis.

Few people in modern America have contributed more to their area of expertise than Professor McConnell. He has written over 50 articles in professional journals and books. He has delivered hundreds of lectures and penned many op-ed pieces. He has contributed an immeasurable amount to the discourse of legal ideas. As Professor Laurence Tribe wrote to the Judiciary Committee, ''McConnell is among the nation's most distinguished constitutional scholars and a fine teacher.'' Tribe further explained that he and McConnell ''share a commitment to principled legal interpretation and to a broadly civil libertarian constitutional framework.''

The significance of McConnell's contributions to the legal profession in part explains why 304 professors—ranging from conservative to liberal to very liberal—have signed a single letter urging us to confirm McConnell's nomination.

Mr. President, When was the last time that 304 professors agreed on anything? Professor McConnell's peers consider him one of the nation's foremost constitutional scholars and appellate advocates and as a person with a reputation for open-minded fairness.

Because of his outstanding reputation for scholarship, the attacks on Professor McConnell have not focused so much on his judicial abilities, but on his personal beliefs. I think this is wrong. All Americans have the right to think their own thoughts and believe their own beliefs. That right should apply as much to the Americans who don robes in service of the Federal Judiciary as to any other citizen.

One of the Senate's most important roles in exercising advice and consent on judicial nominees is to make sure that they are free from any bias—whether political, religious, personal or otherwise—that would endanger their ability to follow the law as written by the legislature and interpreted by higher courts. No one wants a judge who plays legislator from the bench. We want and expect judges who know their limited role and will uphold the law regardless of their personal views. And as long as a judge is willing to do that, any other litmus test on their personal views is contrary to our constitutional responsibility, and an invasion into the freedom of conscience.

I am concerned that some who are involved in the judicial confirmation process are pursuing a course that endangers the freedom of conscience for the Americans who serve on our courts. This is not only a personal offense against nominees who are dragged through the mud or even rejected for their private, personal opinions, it is also an offense against the citizens of this great country, who rely on our federal judges to enforce our many rights and liberties. The diversity of backgrounds and points of view are often the stitches holding together the fabric of our freedoms.

If I may be blunt about this, an impression has been created this year that there are some in the Senate who are attempting to impose a litmus test on the issue of abortion. No one should stand for this—not even people who are pro-choice as a matter of public policy. In fact, people who are pro-choice should be especially reluctant to establish a precedent that would allow the Senate to select judges according to their personal views rather than their willingness to follow and enforce established legal precedents. Pro-choice activists have as much to gain from the triumph of precedent over person view as anyone else.

The fact that most people who are pro-choice hold their position as a matter of political viewpoint or ideology. They do so in good conscience no

doubt, and I respect that. But the great majority of people who are pro-life come to their positions as a result of their personal religious convictions. It is one thing to ensure that judicial nominees pledge to follow the law—we must do that—but quite another to require nominees to have a particular private view. Enforcing such a test would not only destroy the freedom of conscience, but also would exclude from our judiciary a large number of people of religious conviction who are prepared to follow the law.

Now, Professor McConnell has written about abortion, and it is very important for us not to violate his freedom of conscience while exploring his views. The most important thing he has written on this topic, for the Senate's purposes, is that U.S. Supreme Court precedent setting forth the basic abortion right is settled and secure. Indeed, he believes that lower court judges have a clear duty to follow and apply that case law, and he will do just that if confirmed.

Beyond that, Professor McConnell's scholarship on the subject defies standard stereotypes. His writings have focused on two questions. First is the methodology or legitimacy of the Court's reasoning in *Roe v. Wade*. Like many constitutional scholars—including prominent supporters of abortion rights such as Justice Ruth Bader Ginsberg—Professor McConnell has written that the Court in *Roe* overstepped the bounds of proper judicial decision making and has argued that, when facing other issues of deep moral disagreement—for example, assisted suicide—the courts should not constitute their judgment for that of the legislatures, particularly where there is a broad consensus among the states regarding the proper role for regulation.

The second area he has addressed is the possibility of middle-ground approaches to abortion that would find support even from many pro-choice advocates—dealing with such problems as inadequate counseling and support for troubled pregnant women. He has been critical of the extremes on both sides of the questions surrounding abortion, and has argued that one result of the constitutionalization of abortion law has been that is has prevented political leaders from exploring middle-ground approaches.

Professor McConnell has also written in defense of the free-speech rights of abortion protestors.

The fact is that, despite some attempts to confuse this issue, there is nothing in Professor McConnell's writings that should cause any doubt that Professor McConnell is committed to the ideas of stare decisis and controlling legal precedent. To look beyond that belief, to probe his personal views based on religious conviction, is not only to miss the point of our job but also to jeopardize the freedom of conscience of those who serve our country as members of the judiciary.

Many people across the political spectrum know that Professor McConnell will obey precedent even when it is at odds with his own views. That explains why Professor McConnell's nomination has been praised by a number of people who disagree with some of his opinions, including former Clinton administration officials Acting Solicitor General Walter Dellinger, Deputy White House Counsel William Marshall, Domestic Policy Advisors Bill Galston and Elena Kagan, and Associate Attorney General John Schmidt.

Listen to part of a letter I received from the Legal Director of the ACLU chapter in Utah. He wrote—in his personal capacity—to endorse Professor McConnell ''enthusiastically and without qualification,'' saying that ''there can be no doubt that [lawyers who appear before him] will receive a fair and impartial hearing, thoughtful scrutiny and careful consideration toward a decision that will be based solely on the merits and not on any predetermined ideological or political agenda.''

Professor McConnell is immune to any political litmus test because he has a solid bipartisan reputation for integrity and fairness. He is committed to the rule of law and to the ideal of nonpartisan judging. He is known for his principled defense of a limited and restrained role for the judiciary in our constitutional system. He has argued for constitutional interpretation based on constitutional text, original understanding, historical experience, and precedent. He has criticized scholars and judges of both the right and the left for advocating interpretation based on the judge's own political or moral views. He has advocated a major role for Congress in defining and protecting civil rights and has criticized the Supreme Court's decisions limiting such measures to mere enforcement of the Supreme Court's own interpretations. Civil rights groups should take special note of his defense of broad congressional power under Section Five of the Fourteenth Amendment.

In conclusion, Mr. President, Professor McConnell is one of the very best people ever nominated to be a judge. I am very pleased that the Senate confirmed him today. He will be a great judge.

Thank you, Mr. President. I yield the floor.

Mrs. BOXER. Mr. President, tonight, the Senate will consider the nomination of Michael McConnell to a lifetime appointment to the Tenth Circuit Court of Appeals. I oppose this nomination.

Professor McConnell's record as a scholar, an advocate and an activist show him to be far outside the American mainstream on a number of critical constitutional, civil rights, and other legal issues. His views are so clear and consistent that I believe no litigant on areas such as reproductive rights or the separation of church and state could reasonably expect to receive a fair and impartial hearing in Judge McConnell's court room.

Let me tell you why I believe that. Professor McConnell has called the right to choose an ''evil'' and one of the greatest injustices of our day. He would not simply overturn *Roe* v. *Wade*—a disastrous outcome for American women—he has gone so far as to suggest that the courts should declare embryos persons under the Fourteenth Amendment. He has called *Roe* v. *Wade* ''illegitimate,'' and has called for a constitutional amendment banning the right to choose and granting constitutional rights to embryos.

Professor McConnell has also written and spoken against the Freedom of Access to Clinic Entrances Act (FACE). He believes—in contrast to every Federal appellate court that has considered the question—that it is unconstitutional. In a recent article, he expressed admiration for a district court judge who refused to apply FACE because the defendants did not act with ''bad purpose.'' Mr. President, that is not in the statute Congress passed. McConnell's statements of admiration for the ''judicial nullification'' of a Federal statute that he does not agree with speaks volumes about his inability to fairly and impartially apply a range of civil rights statutes that my conflict with his views.

And it makes it clear that as a judge, he would be a judicial activist.

McConnell has even criticized the Supreme Court's 8–1 decision in the Bob Jones case from 1983. In that decision, the Court ruled that the IRS may deny tax-exempt status to a school that discriminates against minorities. In a 1989 article, McConnell wrote that the ''racial doctrines of a Bob Jones University'' should have been ''tolerated'' because they were ''church teachings.''

Mr. President, I realize that this is not a Supreme Court nomination. But, the reality is that Circuit Courts make new law in many areas where the Supreme Court has not spoken. The Supreme Court hears fewer than 100 cases per year, while the Courts of Appeal decide close to 30,000. The truth is, the appellate court are very often the courts of last resort. As Justice Scalia recently wrote, ''the judges of inferior courts often make law, since the precedent of the highest court does not cover every situation, and not every case is reviewed.''

Already, Mr. President, increasingly conservative Federal courts are upholding greater and greater restrictions on the right to choose, chipping away at the protections of *Roe* vs. *Wade*. In the area of reproductive rights, the Circuit Courts routinely make new law, as anti-choice advocates test the constitutional limits with new and creative restrictions on the right to safe and legal abortion. The importance of each Federal judge in protecting the right to choose is underscored by the fact that many recent abortion cases have involved reversals and dissents, demonstrating that judges often disagree on the correct application of law. I believe that Professor McConnell's extensive anti-

choice record shows that he will use every opening the law permits to further restrict a woman's right to choose.

Unfortunately, Professor McConnell does not stand apart from other Bush nominees for his extreme ideology. I believe he was chosen because of it.

Remaking the Federal courts has been a long-term goal of the right-wing base of the Republican party. They have pursued this goal with dogged determination and persistence for more than two decades, and they are succeeding. More and more restrictions on a woman's right to choose are being upheld as constitutional by the increasingly conservative Federal courts, while portions of anti-discrimination law and Violence Against Women Act—a law that Senator Biden wrote and that I was proud to sponsor when I was in the House—are struck down. This is not the right direction for the federal courts.

Now Bush Administration is poised to tip the scales of justice even further to support an extreme anti-choice agenda, and the right to choose may well disappear for more and more American women—especially for poor women. Don't take my word for it. After last week's elections, former Reagan Administration attorney Bruce Fein said that there will be a philosophical revolution in the courts and that Bush nominees will impose a variety of new restrictions on a women's right to choose. The impact, he said, will be almost as great as if Robert Bork had been confirmed.

Mr. President, during the Clinton Administration, I was repeatedly told by the Republican leadership in the Senate that I should only recommend moderate judges to fill judicial vacancies on the Federal courts in the state of California. Otherwise, I was told, Republicans would not let them be confirmed.

President Bush should be held to the same standard. In fact, President Bush said he wanted to govern from the middle. And he fulfilled that commitment on the district court level in California when he agreed to a bipartisan committee selection process. That process has worked well, producing well-qualified mainstream nominees for eight open district court seats in California.

However, Professor McConnell's nomination does not meet the test. He does not fulfill President Bush's commitment to govern from the middle. He does not meet the requirement established by the Senate Republican leadership during the Clinton Administration that nominees be moderate. No, Mr. President, Professor McConnell is far outside the mainstream.

I again call on President Bush—as have so many in the Senate—to reach out across the aisle and to work with all of us to find and nominate the moderate, consensus judges that Americans deserve.

NOMINATION DISCHARGED

NOMINATION OF MARY CARLIN YATES TO BE AMBASSADOR TO THE REPUBLIC OF GHANA

Mr. REID. I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the nomination of Mary Carlin Yates to be the Ambassador to the Republic of Ghana; that the Senate proceed to the immediate consideration of the nomination; that the nomination be confirmed, the motion to reconsider be laid on the table; that any statements be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

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

The nomination considered and confirmed is as follows:

Mary Carlin Yates, of Oregon, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF DENNIS SHEDD

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that at 12 noon on Monday, November 18, the Senate proceed to executive session to consider Executive Calendar No. 1178, the nomination of Dennis Shedd to be United States Circuit Judge; that there be a time limitation of 6 hours for debate equally divided between Senators Leahy and Hatch or their designees; that at the conclusion or yielding back of the time, but not before 5:15 p.m., the Senate vote on cloture on the nomination; that if cloture is invoked, the Senate then vote immediately on the confirmation of the nomination; that if the nomination is confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate return to legislative session; that if cloture is not invoked, the nomination be returned to the calendar and the Senate return to legislative session; and that the preceding all occur with no intervening action or debate; further, that the granting of this consent fulfill the cloture filing requirement under rule XXII.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 5005

Mr. REID. Mr. President, I ask unanimous consent that no other amendments be in order to H.R. 5005 prior to the disposition of the Thompson amendment; that when the Senate concludes its business today, it next resume consideration of this bill on Monday, November 18, upon disposition of Executive Calendar No. 1178; that the 30 hours under cloture conclude at 10:30 a.m. on Tuesday, November 19; that the 90 minutes prior to that time on Tuesday be divided as follows: 30 minutes for each of the two leaders or their designees, and 30 minutes for Senator BYRD, with the Republican leader controlling the time from 10 to 10:15 a.m. and the Democrat leader controlling the time from 10:15 to 10:30 a.m.; that at 10:30 a.m. the Senate vote on the Daschle-Lieberman-Byrd amendment, No. 4953; that upon disposition of that amendment, the Senate then vote immediately on amendment No. 4911, as amended, if amended; that upon the disposition of that amendment, the Senate vote on or in relation to the Thompson amendment, No. 4901, as amended, if amended; that upon the disposition of Senator THOMPSON's amendment, the Senate then vote on cloture on H.R. 5005, with the preceding all occurring without intervening action or debate, provided further that no points of order be waived by this agreement.

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

Mr. REID. Mr. President, point of clarification: On Monday night after the Shedd matter is disposed of, will Senators be allowed to discuss the homeland security matter?

The PRESIDING OFFICER. That would be the order.

SUBSIDY RATE FOR SMALL BUSINESS LOANS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 3172 introduced earlier today by Senator BOND.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3172) to improve the calculation of the Federal subsidy rate with respect to certain small business loans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, I ask my colleagues to support the small business subsidy rate improvement bill before the Senate today. It is not perfect, but it takes us a step in the right direction. It takes us a step in the right direction by reversing a current 60-percent cut in loan dollars available to small businesses through the Small Business Administration's flagship 7(a) loan program, and it includes a budget change mid-year with OMB's blessing, which is unprecedented. However, it does not go far enough in correcting the way the government calculates the