

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE A UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Executive Calendar No. 21, the Estrada nomination.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The legislative clerk read the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia.

CLOTURE MOTION

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

The PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 21, the nomination of Miguel A. Estrada to be United States Circuit Judge for the District of Columbia Circuit.

Bill Frist, Orrin Hatch, Judd Gregg, Norm Coleman, John E. Sununu, John Cornyn, Larry E. Craig, Saxby Chambliss, Lisa Murkowski, James Talent, Olympia Snowe, Mike DeWine, Michael B. Enzi, Lindsey Graham of South Carolina, Jeff Sessions, Lincoln Chafee, and Wayne Allard.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the live quorum provided for in rule XXII be waived and the Senate resume legislative session.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

UNANIMOUS CONSENT REQUEST—
H.R. 2738 AND H.R. 2739

Mr. SESSIONS. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in concurrence with the Democratic leader, the Senate proceed to the immediate consideration of H.R. 2738 and H.R. 2739 en bloc, with the following conditions for debate only: GRASSLEY, 50 minutes; BAUCUS, 45 minutes; HOLLINGS, 60 minutes; DASCHLE, 30 minutes; JEFFORDS, 60 minutes; SESSIONS, 45 minutes; HATCH, 15 minutes; CORNYN, 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. I further ask that upon the use or yielding back of time, the bills be read a third time and the Senate then immediately proceed to a Senate resolution regarding immigration provisions included in the Singa-

pore and Chile free-trade agreements; the resolution then be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table; provided further that the Senate then proceed to a vote on passage of the Singapore free-trade agreement, followed by a vote on passage of the Chile free-trade agreement, with no intervening action or debate.

The PRESIDENT pro tempore. The Chair, as a Senator from the State of Alaska, objects to the consideration of the Chile agreement.

Mr. SESSIONS. Mr. President, I withdraw the unanimous consent request for the time being.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PROVIDING CERTAIN FEDERAL ANNUITY COMPUTATION ADJUSTMENTS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 219, S. 481.

The PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 481) to amend chapter 84 of title 5, United States Code, to provide certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.

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

Mr. SESSIONS. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 481) was read the third time and passed, as follows:

S. 481

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

SECTION 1. ANNUITY COMPUTATION ADJUSTMENT FOR PERIODS OF DISABILITY.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (i) as subsection (k); and

(2) by adding at the end the following:

“(l) In the case of any annuity computation under this section that includes, in the aggregate, at least 2 months of credit under section 8411(d) for any period while receiving benefits under subchapter I of chapter 81, the percentage otherwise applicable under this section for that period so credited shall be increased by 1 percentage point.”

(b) CONFORMING AMENDMENT.—Section 8422(d)(2) of title 5, United States Code (as added by section 122(b)(2) of Public Law 107-135), is amended by striking “8415(i)” and inserting “8415(k)”.

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to any annuity entitlement which is based on a separation from service occurring on or after the date of enactment of this Act.

IN REMEMBRANCE OF THE
HONORABLE VANCE HARTKE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 203 submitted earlier today by Senators LUGAR, BAYH, FRIST, DASCHLE, and others.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 203)

Relative to the death of Vance Hartke, former United States Senator for the State of Indiana.

Whereas Vance Hartke served in the United States Coast Guard and Navy during World War II from 1942 to 1946;

Whereas Vance Hartke served as mayor of Evansville, Indiana from 1956 to 1958;

Whereas Vance Hartke served as Chairman of the Committee on Veterans' Affairs of the United States Senate from the ninety-second Congress through the ninety-fourth Congress; and

Whereas Vance Hartke served his nation as United States Senator from 1959 to 1977: Now, therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Vance Hartke, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses or adjourns today, it stand recessed or adjourned as a further mark of respect to the memory of the Honorable Vance Hartke.

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

Mr. DASCHLE. Mr. President, I am very pleased to be a cosponsor of this resolution. As the distinguished Senator from Alabama noted, this was introduced today by the two Senators from Indiana and by the two leaders.

We express our heartfelt condolences to the family of Vance Hartke. I was one who admired his work, his leadership. While I did not have the opportunity to serve directly with him, his legacy remains today in the many ways he affected public policy during his 18 years in the Senate. He will be missed. We are grateful for his service.

Mr. SESSIONS. I join in expressing my sympathies to the family of former Senator Vance Hartke. He is known throughout this country and served this country with great distinction.

I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements appear at the appropriate place in the RECORD, without intervening action or debate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 203) was agreed to.

The preamble was agreed to.

ORDERS FOR TUESDAY, JULY 29,
2003

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it

stand in recess until 9:30 a.m., Tuesday, July 29. I further ask that following the prayer and pledge, the Journal of proceedings be approved, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 14, the Energy bill.

PROGRAM

Mr. SESSIONS. I further ask consent that notwithstanding the provisions of rule XXII, at 11:15 there will be 1 hour of debate equally divided between Senators HATCH and LEAHY, or their designees, and that at 12:15 the Senate proceed to the vote on invoking cloture on the Owen nomination. I further ask consent that the Senate recess following that vote until 2:15 p.m. for the weekly party lunches.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. On behalf of the majority leader, I advise all Senators that the Senate will resume consideration of S. 14, the Energy bill. It is the majority leader's hope to dispose of the two pending CAFE amendments tomorrow morning. In addition, the Senate will conduct its third cloture vote on the Owen nomination for the Fifth Circuit tomorrow at 12:15. Therefore, Sen-

ators should expect the possibility of several votes prior to the party lunches. Members will be notified when the first vote is scheduled.

For the remainder of the day, the Senate will continue debate on the Energy bill. The Senate may also begin consideration of the Chile and Singapore trade agreement bills tomorrow. Therefore, Senators should expect votes throughout the afternoon and into the evening tomorrow.

Mr. DASCHLE. Mr. President, just to clarify, because I think this is an important scheduling to note, if I could ask the distinguished Senator from Alabama, under this unanimous consent request, it would then appear that there would be a vote on the Owen nomination at 12:15 but that votes on the two pending CAFE amendments, the Durbin amendment and the Levin amendment, could occur prior to 11:15, which is when we are scheduled to debate the Owen nomination; is that correct?

Mr. SESSIONS. As I understand the agreement and the majority leader's position, it is his hope to dispose of those two CAFE amendments tomorrow morning. I would think the Senator is correct.

Mr. DASCHLE. That is my understanding, that we will have a vote at 12:15 on the Owen nomination and Sen-

ators should be advised there could be one vote, perhaps two votes, prior to 11:15 on the two amendments offered by the Senators from Illinois and Michigan having to do with the CAFE standards.

I thank the Senator for his answer.

RECESS UNTIL 9:30 A.M.
TOMORROW

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate recess under the provisions of S. Res. 203, as a further mark of respect to our distinguished and late former colleague, Senator Vance Hartke.

There being no objection, the Senate, at 7:45 p.m., recessed until Tuesday, July 29, 2003, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 28, 2003:

THE JUDICIARY

EARL LEROY YEAKEL III, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS.

KATHLEEN CARDONE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS.