

appreciation to Rebecca Davies, chief clerk of the subcommittee, and to the other staff members who assisted her in the hard work that was done in furtherance of our efforts to get a bill, including Les Spivey, Rachelle Schroeder, Carol Cribbs, James Hayes, and Josh Manley. They all deserve our thanks and congratulations for a job well done.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. CAMPBELL. Madam President, speaking for the leader, as in executive session, I ask unanimous consent that at 5:30 p.m. today, the Senate proceed to executive session to consider the following nomination on today's Executive Calendar: Calendar No. 358, the nomination of Larry Burns to be a U.S. District Judge for the Southern District of California. I further ask unanimous consent that the Senate proceed to a vote on the confirmation of the nomination; that following the vote, the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection? The Democratic whip.

Mr. REID. Reserving the right to object, and I will not object, this is the 154th judge we have approved. As I recall, there are three we have not approved. It is 154 to 3. That is a pretty good record.

I also ask that the unanimous consent request be modified to allow Senator BOXER 2 minutes to speak prior to the vote on the nomination of Larry Burns.

The PRESIDING OFFICER. Does the Senator so modify his unanimous consent request?

Mr. CAMPBELL. I so modify the request.

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

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 2657

Mr. CAMPBELL. Madam President, I ask unanimous consent that when the Senate proceeds to the consideration of the conference report to accompany H.R. 2657, it be considered under the following time limitation: myself, 10 minutes, Senator DURBIN, 10 minutes, and Senator STEVENS, 10 minutes.

I further ask unanimous consent that following the use or yielding back of time, the conference report be agreed to and the motion to reconsider be laid on the table, with no intervening action or debate.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE SESSION

NOMINATION OF LARRY ALAN BURNS, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of Executive Calendar No. 572, which the clerk will report.

The legislative clerk read the nomination of Larry Alan Burns, of California, to be United States District Judge for the Southern District of California.

Mrs. BOXER. Madam President, we are about to have a vote on a judge. I wanted to take this time, 2 minutes, to offer my support for this nominee. I want to say this particular nominee for the Southern District Court of California, Larry Burns, is very qualified for this position. He is a native Californian. He is a graduate of Point Loma College and the University of San Diego Law School.

I want to emphasize the wide support Judge Burns has from law enforcement and civil rights organizations. His firm commitment to the law was well regarded while he was both a Federal and a State prosecutor. He has developed an equally respected reputation as a judge, due to his character and his legal expertise.

So I believe the Southern District will benefit greatly from the exemplary services of Judge Burns. I fully support confirmation of this nominee.

At a time when we have a lot of partisan discord, I think it is important to know that in California, Senator FEINSTEIN and I, working with the administration, have a wonderful process in place by which the two Democrat Senators get three people on a committee to pass judgment on these nominees and the administration appoints three people. Each nominee for the district court goes through our process and they are then recommended to the President on a majority vote.

What has happened is we have taken the politics, truly, out of this judicial selection process. We have come up with mainstream candidates. That is very important because I believed the President when he came forward and said he was going to govern from the center. When he puts forward judicial nominees who are from the center, who are not radical, who are not far to the right, I am the first one to support them, and I have supported well over 90 percent of them.

When it comes to voting for nominees who are off the scales and not representative of the values of America, I am the first one to say it is not right. We have a process in place for the district courts that I only wish we had for the higher courts—the circuit courts—because it isn't working that well. But it is working very well in the district courts.

Again, I urge my colleagues to vote yes on Larry Burns's nomination, and I hope it will be a unanimous vote.

Mr. LEAHY. Madam President, I am pleased that we are now turning to the nomination of Magistrate Judge Larry Alan Burns for the Southern District of California. This well qualified nominee is the product of the exemplary bipartisan commission that Senators FEINSTEIN and BOXER have worked so hard to maintain. It is a testament to their diligence that we have such stellar nominees heading to California's federal courts.

Judge Burns has been a United States Magistrate for the past six years in San Diego. Prior to becoming a Magistrate, Mr. Burns gained significant trial experience as a State and federal criminal prosecutor. Judge Burns has also served as a mentor to disadvantaged students, assisting them in achieving their educational and career goals. He was honored for his work in this area with a Faculty Mentoring Award from San Diego State University in 1996. In addition, he has taught legal courses at both the undergraduate and graduate school levels at several San Diego universities. In light of his remarkable record of public service and trial experience, it is not surprising that the American Bar Association was unanimous in its determination that Judge Burns is "Well-Qualified" to be a federal district court judge.

The Southern District of California the busiest federal district in the nation. Last Congress, in enacting the DOJ Reauthorization legislation, we created the seat that Judge Burns is nominated to in an effort to alleviate their staffing shortage. In light of their demanding caseload and corresponding staffing needs, the Judiciary Committee expedited nominations to the Southern District. Judge Burns was nominated on May 1, 2003 and was voted out of committee on September 4, 2003. It is unfortunate that Judge Burns and another nominee for this court have been pending on the floor all month but I am pleased that we are voting on Judge Burns today. The path of his nomination demonstrates that the fact that the Senate can act expeditiously when we receive well-qualified, consensus nominations on courts that need additional judges.

Another consensus nominee for another vacancy in that district remains on the Senate executive calendar awaiting action. I implore the Senate Republican leadership to allow a prompt vote on the nomination of Dana Makoto Sabraw. I expect that

vote to be unanimously in support, as well.

Senator FEINSTEIN also deserves much credit for working so hard to create these additional judgeships in the Department of Justice authorization we passed in 2002. These judgeships are among those we created for border districts that have a massive caseload and that needed more federal judges. We did what the Republican majority refused to do in the years 1995 through 2000 when there was a Democratic President, namely, create additional needed judgeships for the Southern District of California. We did so under Senate Democratic leadership with a Republican President. They have been available to be filled since July 15.

The Judiciary Committee held hearings of Magistrate Judge Burns and others just before the August recess and they were unanimously reported by the Judiciary Committee at our first meeting on September 4. That was three weeks ago. In addition to the nomination of Dana Makoto Sabraw, which is already favorably reported and on the Senate executive calendar awaiting action, two more nominees to two additional vacancies recently created for the Southern District of California should be considered and reported by the Judiciary Committee tomorrow.

I congratulate the California Senators on their outstanding work and this nominee and his family on this confirmation.

Mrs. BOXER. 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 Larry Alan Burns, of California, to be United States District Judge for the Southern District of California? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. GREGG), the Senator from Oklahoma (Mr. INHOFE), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from New Hampshire (Mr. SUNUNU) are necessarily absent.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 363 Ex.]

YEAS—91

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

NOT VOTING—9

Dodd	Gregg	Lieberman
Edwards	Inhofe	Specter
Graham (FL)	Kerry	Sununu

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action.

#### LEGISLATIVE SESSION

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

Mr. GRASSLEY. Mr. President, I 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. GRASSLEY. 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 BRANCH APPROPRIATIONS ACT, 2004—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report the conference report to accompany H.R. 2657.

The assistant legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The Senate proceeded to consider the conference report.

(The Conference report is printed in the House proceedings of the RECORD of September 18, 2003.)

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Madam President, I am pleased to present the conference report to accompany the legislative branch fiscal year 2004 appropriations.

I thank Senator DURBIN and his staff for all their help and hard work. He was certainly cooperative in this process. I also thank Chairman STEVENS, chairman of the full Appropriations Committee, who has been extremely helpful in getting the conference report to the Senate.

The legislative branch bill totals \$3.549 billion, just 2.5 percent of the fiscal year 2003 level. Highlights of the bill include funding of \$220 million for the Capitol Police for a total of 1,592 police officers. In addition, the police would have authority to hire 75 civilian personnel to improve administrative operations and move about 30 officers from desk jobs to field jobs.

Funding is included for a mounted horse unit which will provide enumerable benefits for the police department. I understand they are working out an agreement with the Park Service to house the horses with the Park Service horses.

The bill also includes language that will move forward the merger of the Library of Congress police force with the U.S. Capitol Police to improve the security of the entire Capitol complex.

The Architect of the Capitol: Funds total \$405 million, which includes \$47.8 million for the Capitol Visitors Center so we can finally move forward and fill up that big hole that is outside our front door. The Visitors Center project funding is partially offset by using unobligated prior year funds.

The Library of Congress: Funds total \$528 million for the library with funding going to such important programs as the veterans history project and the audio-visual conservation center being built in Culpeper.

The Open World Program is funded at \$13.5 million. This program has been very successful in showing firsthand democracy and how we lead a country in democratic institutions to emerging Russian leaders and has been expanded to include certain countries of the former Soviet Union.

Funds are also included for the General Accounting Office, the Congressional Budget Office, and the Government Printing Office, as well as the House and Senate.

The supplemental appropriations portion totals \$937.6 million in title III of this bill for the emergency supplemental items, such as additional funding for FEMA, which has been doing such a terrific job facing the number of natural catastrophes we have had in America this last year.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I am happy to have worked with Senator CAMPBELL of Colorado on this fiscal year 2004 legislative branch appropriations bill. It is a good and fair bill. Considering our limited resources, I think it accomplishes many objectives.