

Tuesday because of my wife's little problem. I said, go ahead, if I am 2 hours or 3 hours or 5 hours, I will get there when I can. I would rather you didn't, but in any event, if you do, I am going to be with her. That is an easy choice for me. But I didn't intend to get into the debate about the so-called war on terrorism as being the war in Iraq. I won't do that now. But the distinguished majority leader has opened an avenue for a great deal of debate in which I will partake, if the good Lord lets me live. I am not going to lie down and roll over for that argument that, oh, we are in a war and we have to press ahead here; we have people dying and so on, and we have to do this on Monday or Tuesday. I am as concerned about the people dying as is the distinguished majority leader. I was not for sending our people over there to die. But we won't get into that here. The distinguished Republican leader brought that up.

I am only saying I would hope that we would stage the markup at a time when we could have full attendance on both sides.

Mr. NICKLES. Will the majority leader yield?

Mr. FRIST. I am happy to yield.

Mr. NICKLES. There is a nomination of Judge Mosman. I wonder if it would be possible to vote on that nomination by voice vote or begin that vote momentarily for the convenience of all Members?

Mr. FRIST. Mr. President, I am happy to propound that unanimous consent request for a voice vote on the judge under consideration.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, the ranking member is not here. I am sure if he was, he would ask that we have a rollcall vote. We ought to.

Let me just say, I don't think there is any question that we have to move forward and have an opportunity to debate this in a much more meaningful and thorough way. The way we will do that is through a markup in the Appropriations Committee and through votes on the Senate floor. Throughout the day the majority leader and I have been trying to figure out a way to work through the schedule, and it is obvious there are differences of opinion about what the schedule should entail. Yes, there should be more hearings. Yes, there ought to be more accountability as to how we make these decisions. If we had our choice, we would bifurcate this request, send the money to the troops to make sure they get all they need to conduct their responsibilities, but then have a more deliberate and thoughtful debate about this aid for reconstruction. That would be our desire. We will have amendments in that regard whenever the bill comes to the floor.

We need to get on with the vote on the judge, and then we will talk further about schedule as the schedule presents itself.

NOMINATION OF MICHAEL W. MOSMAN TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Michael W. Mosman, of Oregon, to be United States District Judge for the District of Oregon.

Mr. HATCH. Mr. President, I rise today to express my unqualified support for the nomination of Michael Mosman for the United States District Court for the District of Oregon and to urge my colleagues to confirm this fine nominee.

Mr. Mosman has excellent academic and professional qualifications for the federal bench. After graduating magna cum laude from the J. Reuben Clark Law School at Brigham Young University, he clerked first for D.C. Circuit Judge Malcolm Wilkey and then for Supreme Court Justice Lewis Powell.

Mr. Mosman also has impressive courtroom experience. As an Assistant U.S. Attorney and U.S. Attorney for the District of Oregon, Mr. Mosman has worked on cases in all four prosecuting units in his office: narcotics, violent crimes, organized crime, and fraud. He has tried about 50 cases, including large multidistrict drug conspiracies, international money laundering, multimillion dollar counterfeiting cases, and multidistrict immigration fraud.

Mr. Mosman also displayed stellar leadership and integrity in the wake of the September 11 tragedy. He deftly guided his office in the apprehension and prosecution of several would-be terrorists, all the while taking steps to ensure that those individuals' civil liberties were not violated.

Mr. Mosman is an exceptional nominee. He merited an ABA rating of unanimously well-qualified, and I fully expect him to serve with distinction on the federal bench in Oregon.

Mr. SMITH. Mr. President, I rise today to speak about my good friend and fellow Oregonian Michael Mosman.

Recently, the ABA rated Mr. Mosman as well qualified for the position of District Court Judge. Those of us from Oregon, however, have long been aware of Mr. Mosman's stellar legal credentials and talents. It would be an honor to have Mr. Mosman serve our state as the next U.S. District Judge in Oregon. He has distinguished himself as a leader in our state and in the legal community. Since 1988, Mr. Mosman has worked for the United States Attorney's office in Oregon. First joining the Department of Justice as an Assistant U.S. Attorney, he was subsequently promoted to the position of U.S. Attorney for the District of Oregon in 2001.

In addition to his public service, Mr. Mosman has worked in private practice with the Portland law firm of Miller Nash LLP. He clerked for Judge Malcolm Wilkey of the U.S. Court of Appeals for the DC Circuit—and for U.S. Supreme Court Justice Lewis Powell. Graduating with highest honors, he received his undergraduate degree from Utah State University and his law de-

gree from BYU's J. Reuben Clark Law School.

With his academic and legal background—both in private and public practice—Mr. Mosman will bring a wealth of knowledge and, most importantly, compassion to the bench. In 2001, Senator WYDEN and I convened a bipartisan blue ribbon panel to interview applicants for the position of U.S. attorney—our unanimous No. 1 recommendation was Mike Mosman. Earlier this year, we convened another bipartisan blue ribbon panel to interview applicants for the U.S. District Court. Once again, our unanimous No. 1 recommendation was Mike Mosman.

It is, therefore, with great pleasure that I highly recommend to you my friend, Mr. Mosman, and urge my colleagues to vote in favor of his confirmation as United States District Judge for the District of Oregon.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LEAHY. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Michael W. Mosman, of Oregon, to be United States District Judge for the District of Oregon? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), and the Senator from New Hampshire (Mr. GREGG) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote "yea".

Mr. REID. I announce that 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 "aye".

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

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 367 Ex.]

YEAS—93

| | | |
|-----------|-----------|---------|
| Akaka | Breaux | Cochran |
| Alexander | Brownback | Coleman |
| Allard | Burns | Collins |
| Allen | Byrd | Conrad |
| Baucus | Campbell | Cornyn |
| Bayh | Cantwell | Corzine |
| Bennett | Carper | Craig |
| Biden | Chafee | Crapo |
| Bingaman | Chambliss | Daschle |
| Boxer | Clinton | Dayton |

| | | |
|-------------|-------------|-------------|
| DeWine | Jeffords | Pryor |
| Dodd | Johnson | Reed |
| Dole | Kennedy | Reid |
| Domenici | Kohl | Roberts |
| Dorgan | Kyl | Rockefeller |
| Durbin | Landrieu | Santorum |
| Ensign | Lautenberg | Sarbanes |
| Enzi | Leahy | Schumer |
| Feingold | Levin | Sessions |
| Feinstein | Lincoln | Shelby |
| Fitzgerald | Lott | Smith |
| Frist | Lugar | Snowe |
| Graham (SC) | McCain | Specter |
| Grassley | McConnell | Stabenow |
| Hagel | Mikulski | Stevens |
| Harkin | Miller | Sununu |
| Hatch | Murkowski | Talent |
| Hollings | Murray | Thomas |
| Hutchison | Nelson (FL) | Voivovich |
| Inhofe | Nelson (NE) | Warner |
| Inouye | Nickles | Wyden |

NOT VOTING—7

| | | |
|---------|-------------|-----------|
| Bond | Graham (FL) | Lieberman |
| Bunning | Gregg | |
| Edwards | Kerry | |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider has been laid upon the table. The President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

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

The Senator from Ohio.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004—Continued

AMENDMENT NO. 1787, AS MODIFIED

Mr. DEWINE. Mr. President, in regard to the Feinstein amendment, the yeas and nays have been ordered.

I ask unanimous consent that order be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 1787), as modified, was agreed to.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2004

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.J. Res. 69, the continuing resolution, which is at the desk; provided further that the resolution be read a third time and passed, and the motion to reconsider be laid upon the table.

Mr. REID. No objection.

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

The joint resolution (H.J. Res. 69) was read the third time and passed.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004—Continued

Ms. LANDRIEU. Mr. President, I thank the leadership on both sides for allowing us the opportunity to get back to the DC appropriations bill, a bill Senator DEWINE and I have worked very hard on over the last, actually, several months. We are very proud of so many portions of this bill that do such good work for the District, and do so in conjunction with the leadership of the District and the residents of the District. So we are thankful that as it has worked out today, we can actually get back on this bill.

It is my hope, and I think the chairman of this committee shares this goal, since there are a couple of points in this bill that warrant further debate, the most obvious one being the issue of education improvement in the District of Columbia, it would be my idea, and I hope it is shared by my colleagues and even on the other side, that we give as much time to this debate as possible because it is a very important issue, not just for the District but for the whole Nation. As a public policy, we would be hard pressed to find a public policy that is more important right now, other than, of course, national defense and homeland security. I think we all agree the challenge to our public education system is one that continues to warrant our attention.

Tonight it is my intention, and Senator DEWINE understands, to speak for a minute about an amendment Senator CARPER and I want to lay down at some time, and to talk in detail about what that amendment is. He and I are prepared to talk for maybe an hour about the details of it.

I understand there are other Members who might want to speak tonight. We have no intention, obviously, of having the vote tonight or tomorrow, but we hope next week to proceed with some voting on this very important bill.

The way I would like to start, just for a few moments, though, is to say the reason our amendment would be necessary and other amendments would be warranted is because the debate will show the publicly stated goals, however laudable—and we have read those goals in the newspaper, we have read them in press releases, we have heard the goals stated by the voucher proponents, that the aim of this is to help children in failing schools, poor children in failing schools have options—this debate will show the bill itself does not actually do that. Even with the Feinstein amendment, the bill does not do that.

There is another really puzzling aspect to this. I want to submit something for the record to show why I will say it is puzzling. We received today the Statement of Administration Policy. I would like to read it for the record and then explain why it is confusing. This is the Statement of Administration Policy that was issued

today on the DC bill. This policy, not from the House but from the White House, says this: We like the DC bill, basically. I am paraphrasing the first part. The administration looks forward to working with Congress to ensure its priorities and amounts of money are within the overall budget goal.

Additional Administration views regarding the Committee's version of the bill are, [No. 1], School Choice Incentive Fund.

The Administration is pleased the Committee bill included \$13 million for the President's School Choice Incentive Fund. This innovative reform will increase the capacity of the District to provide parents—particularly low-income parents—with more options for obtaining a quality education for their children who are trapped in low-performing schools. The Administration appreciates the Committee's support for strengthening the District's school system and strongly urges the Senate to retain this initiative.

The puzzling thing about this is the White House has said they support the Mayor's position. The Mayor was on the floor today. Mayor Williams is one of the most honorable people I know. He is a reformer for public education. But I don't know if the White House realizes that is not the Mayor's position.

The Mayor's position is a three-pronged approach: A third for vouchers, a third for charter schools, and a third for improvements to public schools. That is because the Mayor has suggested that vouchers-only is insufficient, and the Mayor has also said some other things about the voucher-only proposal. So I just lay this down.

I ask the chairman if perhaps he could get to the bottom of this. I don't know why the White House wouldn't say we understand the Senate bill has three clear sections on this issue. We like all those sections. We ask you to keep them all in the bill. But it doesn't say that.

I am going to have this printed in the RECORD. That is why we are going to have a lot of debate on this, because we have to get clear what the administration is really asking for or advocating.

I ask unanimous consent to print the Statement of Administration Policy in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, September 24, 2003.

STATEMENT OF ADMINISTRATION POLICY
(This statement has been coordinated by OMB with the concerned agencies.)

S. 1583—DISTRICT OF COLUMBIA APPROPRIATIONS BILL, FY 2004

(Sponsors: Stevens (R), Alaska; Byrd (D), West Virginia)

The Administration supports Senate passage of the FY 2004 District of Columbia Appropriations Bill, as reported by the Appropriations Committee.

While this bill exceeds the President's request by \$145 million, the Administration looks forward to working with the Congress to ensure that the FY 2004 appropriations bills ultimately fit within the top line funding level agreed to by both the Administration and the Congress. The President supports a discretionary spending total of \$785.6