

this section and the state of financial literacy in the United States.

SA 2070. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REIMBURSEMENT OF LOST STATE REVENUE.

(A) REPORT.—

(1) OMB.—Not later than November 1 of each year, the Director of Office of Management and Budget shall report to the Secretary of the Treasury the State tax revenue amount for each State and local government that was not received by that State or local government during the most recent fiscal year ending September 30 as a result of the Internet Tax Freedom Act.

(2) CBO.—Not later than November 5 of each year, the Director of the Congressional Budget Office shall report to Congress the information required by paragraph (1) and include an explanation of any differences with the report submitted under paragraph (1).

(b) PAYMENT.—Not later than November 20 of each year and subject to appropriations, the Secretary of the Treasury shall make a payment out of the Treasury to each State in an amount equal to the amount determined for that State and local governments in that State under subsection (a)(1). Each State shall distribute the amounts attributable to local governments in that State to the local governments.

(c) APPROPRIATION.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 2071. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 7 and 8, insert the following:

SEC. 7 ____ . USE OF ELIGIBLE COMMODITIES.

(a) AVAILABILITY.—Section 416(b)(1) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(1)) is amended in the first sentence by striking "1954 and under the Food for Progress Act of 1985," and inserting "1954 (7 U.S.C. 1721 et seq.), the Food for Progress Act of 1985 (7 U.S.C. 1736o), and section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1)."

(b) MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM.—Section 3107(j) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1(j)) is amended by adding at the end the following:

"(4) USE OF ELIGIBLE COMMODITIES.—In addition to other funds that are available under other provisions of law, the President may use commodities and funds made available under section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)) to carry out this section (including payment for transportation of eligible commodities)."

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, November 12 at 10 a.m. in Room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to conduct oversight of the implementation of the Energy Employees Occupational Illness Compensation Program.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, November 4, 2003, at 9:30 a.m. on the nominations of Kirk Van Tine and Jeffrey Rosen, DOT; Michael Gallagher, DOC; Cheryl Halpern and Elizabeth Courtney, CPB.

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

COMMITTEE ON FINANCE

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, November 4, 2003, at 10 a.m., to hear testimony on nominations of Michael O'Grady, to be Assistant Secretary of Health and Human Services, Department of Health and Human Services; Jennifer Young, to be Assistant Secretary of Health and Human Services, Department of Health and Human Services; and Bradley G. Belt, to be Member of the Social Security Advisory Board, Social Security Administration.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session on Tuesday, November 4, 2003 at 9:30 a.m. to hold a hearing on nominations.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session on Tuesday, November 4, 2003 at 2:30 p.m. to hold a subcommittee hearing on North Korea.

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

COMMITTEE ON THE JUDICIARY

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittees on Terrorism, Technology and Homeland Security be authorized to meet to conduct a hearing on "Database Security: Finding Out When Your Information Has Been Compromised," on Tuesday, November 4, 2003, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building.

Witness list: Mr. Mark MacCarthy, Senior Vice President of Public Policy, Visa U.S.A., Inc., Washington, DC; Mr. David McIntyre, President and CEO, TriWest Healthcare Alliance, Phoenix, AZ; and Mr. Evan Hendricks, Editor, Privacy Times, Cabin John, MD.

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

subcommittee on substance abuse and mental health services

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Substance Abuse and Mental Health Services be authorized to meet for a hearing on "Recommendations to Improve Mental Health Care in America: Report from the President's New Freedom Commission on Mental Health" during the session of the Senate on Tuesday, November 4, 2003, at 10 a.m.

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

SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. SUNUNU. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 4, 2003, at 2:30 p.m. to conduct a hearing on "Financial Reconstruction in Iraq."

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

PRIVILEGE OF THE FLOOR

Mr. JOHNSON. Mr. President, I ask unanimous consent that Naomi Camper, Adam Healy, and Elizabeth Canter of my staff be granted the privilege of the floor during debate on S. 1753, the National Consumer Credit Reporting System Improvement Act.

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

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. SANTORUM. Mr. President, I have a unanimous consent request that we proceed to the Pryor nomination. But I would just ask the Senator from Nevada if there is a possibility that we could get a unanimous consent agreement, however much time the minority would need, to debate this nominee so we can give the attorney general of

Alabama, who has been nominated to the Eleventh Circuit, the opportunity to have an up-or-down vote on the floor of the Senate, which has been the custom here for over 22 years.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I would say to my friend, and the entire Senate, we have already spoken on this. There has been a vote to invoke cloture. That failed. I am confident if this comes up again, the vote will be the same. So I think that actually we are just wasting the time of the Senate, with all the many important things we have to do, and it would just be a repeat of the prior effort to invoke cloture, which failed.

So I object to my friend's request.

The PRESIDING OFFICER. The objection is heard.

EXECUTIVE SESSION

NOMINATION OF WILLIAM H. PRYOR, JR., OF ALABAMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

Mr. SANTORUM. Mr. President, I now ask unanimous consent that the Senate proceed to executive session for the consideration of Calendar No. 310, the nomination of William Pryor, to be U.S. circuit judge for the Eleventh Circuit.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SANTORUM. The clerk will report.

The legislative clerk read the nomination of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

CLOTURE MOTION

Mr. SANTORUM. Mr. President, on behalf of the majority leader, I now send a cloture motion to the desk.

The PRESIDING OFFICER. 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. 310, the nomination of William H. Pryor, Jr., to be United States Circuit Judge for the Eleventh Circuit.

Bill Frist, Rick Santorum, Ben Nighthorse Campbell, Lindsey Graham, Norm Coleman, John Sununu, Jon Kyl, Mike DeWine, Wayne Allard, Elizabeth Dole, Pete Domenici, Mitch McConnell, Robert F. Bennett, Jeff Sessions, Michael B. Enzi, John Ensign, John Cornyn.

Mr. SANTORUM. Mr. President, I further ask unanimous consent that the live quorum provided for under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate immediately proceed to consider the following nomination on today's Executive Calendar: Calendar No. 420. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

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

The nomination considered and confirmed is as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Gwendolyn Brown, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration.

REFERRAL OF NOMINATION—EXECUTIVE CALENDAR NO. 299

Mr. HATCH. Mr. President, I appreciate Senator COLLINS, chair of the Governmental Affairs Committee, entering into a colloquy on a matter that concerns the Judiciary Committee. In particular, our colloquy involves the nomination of Michael Garcia to be Assistant Secretary of Homeland Security. Following our statements, I will seek an unanimous consent agreement to refer Mr. Garcia's nomination to the Judiciary Committee.

All committees derive their "respective jurisdictions" from Senate Rule XXV, among other sources. As such, the Governmental Affairs Committee, in its responsibility for the "organization and reorganization of the executive branch of the Government," played a crucial role in establishing the new Department of Homeland Security. I would like to compliment Senator COLLINS on her leadership and the significant improvements that have resulted in our Nation's security since September 11.

Also, under Senate Rule XXV, the Committee on the Judiciary has jurisdiction over "immigration and naturalization." It is important for the immigration and naturalization functions which have been transferred from the Department of Justice and other law enforcement agencies to the Department of Homeland Security to remain under the jurisdiction of the Judiciary Committee.

With the formation of three new bureaus for immigration policy in the Department of Homeland Security, countless situations—from day-to-day immigration services and enforcement to long-term border security planning—will arise in which legislation affecting these bureaus and oversight of these bureaus is an essential role of the Judiciary Committee. I appreciate my colleague taking the time to clarify the confirmation process for Mr. Garcia and the commitment to Senate Rules XXI and XXVI, Section 8 as it affects the Judiciary Committee's jurisdiction.

Ms. COLLINS. I appreciate the Senator's comments, and I look forward to working with him. I would also like to

assure him that I do not believe the Governmental Affairs Committee's jurisdiction affects in any way the Judiciary Committee's jurisdiction over immigration and naturalization matters, as set forth in Senate Rule XXV. The Governmental Affairs Committee was responsible for the Homeland Security Act of 2002 which created the new Department of Homeland Security. The committee has conducted wide-ranging and vigorous oversight of the Department and, this year alone, has reported out six bills that address homeland security concerns. In total, the Governmental Affairs Committee has held over 30 hearings on homeland security matters, thus reflecting the paramount role it plays with respect to these matters.

The committee also has handled the nominations of almost all of the Department's nominees. On June 5 of this year, our committee held a hearing on Mr. Garcia's nomination. We reported his nomination to the full Senate on June 17. We then agreed to a referral of Mr. Garcia's nomination to the Judiciary Committee. I understand that my colleague, the distinguished chairman of the Judiciary Committee, now seeks a second referral of the nomination in order to complete its work thereon. I have no objection to my colleagues' request.

Mr. HATCH. I thank the chair of the Governmental Affairs Committee for her comments and efforts on this matter.

Mr. SANTORUM. Mr. President, I ask unanimous consent that Executive Calendar No. 299, the nomination of Michael Garcia, to be an Assistant Secretary of Homeland Security, be referred to the Committee on the Judiciary for a period not to exceed 30 days of Senate session, and that the Senate return to legislative session.

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

LEGISLATIVE SESSION

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

FEDERAL COURT PROCEEDINGS IN PLANO, TX

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 355, S. 1720.

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

The legislative clerk read as follows: A bill (S. 1720) to provide for the Federal court proceedings in Plano, Texas.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary 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.)