

of the United States shall submit a report to Congress assessing the effectiveness of the Commission in promoting financial literacy and education.

**SEC. 518. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this title, including administrative expenses of the Commission.

**TITLE VI—RELATION TO STATE LAW**

**SEC. 611. RELATION TO STATE LAW.**

Section 625(d) of the Fair Credit Reporting Act (15 U.S.C. 1681t(d), regarding relation to State laws), as so designated by section 214 of this Act, is amended—

- (1) by striking paragraph (2);
- (2) by striking “(c)—” and all that follows through “do not affect” and inserting “(c) do not affect”; and
- (3) by striking “1996; and” and inserting “1996.”.

**TITLE VII—MISCELLANEOUS**

**SEC. 711. CLERICAL AMENDMENTS.**

(a) **SHORT TITLE.**—Section 601 of the Fair Credit Reporting Act (15 U.S.C. 1601 note) is amended by striking “the Fair Credit Reporting Act.” and inserting “the ‘Fair Credit Reporting Act.’”.

(b) **SECTION 604.**—Section 604(a) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)) is amended in paragraphs (1) through (5), other than subparagraphs (E) and (F) of paragraph (3), by moving each margin 2 ems to the right.

(c) **SECTION 605.**—

(1) Section 605(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)(1)) is amended by striking “(1) cases” and inserting “(1) Cases”.

(2)(A) Section 5(1) of Public Law 105-347 (112 Stat. 3211) is amended by striking “Judgments which” and inserting “judgments which”.

(B) The amendment made by subparagraph (A) shall be deemed to have the same effective date as section 5(1) of Public Law 105-347 (112 Stat. 3211).

(d) **SECTION 609.**—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended—

(1) in paragraph (2), by moving the margin 2 ems to the right; and

(2) in paragraph (3)(C), by moving the margin 2 ems to the left.

(e) **SECTION 617.**—Section 617(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681o(a)(1)) is amended by adding “and” at the end.

(f) **SECTION 621.**—Section 621(b)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681s(b)(1)(B)) is amended by striking “25(a)” and inserting “25A”.

(g) **TITLE 31.**—Section 5318 of title 31, United States Code, is amended by redesignating the second item designated as subsection (l) (relating to applicability of rules) as subsection (m).

(h) **CONFORMING AMENDMENT.**—Section 2411(c) of Public Law 104-208 (110 Stat. 3009-445) is repealed.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair is authorized to appoint the following conferees:

The Presiding Officer appointed Mr. SHELBY, Mr. BENNETT, Mr. ALLARD, Mr.

ENZI, Mr. SARBANES, Mr. DODD, and Mr. JOHNSON, conferees on the part of the Senate.

The PRESIDING OFFICER. Under the previous order, S. 1753 is returned to the calendar.

**EXECUTIVE SESSION**

**NOMINATION OF ROGER W. TITUS, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE**

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session for the consideration of Executive Calendar item No. 402, which the clerk will report.

The legislative clerk read the nomination of Roger W. Titus, to be United States District Judge for the District of Maryland.

The PRESIDING OFFICER. There are 2 minutes evenly divided on the nomination.

Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, I compliment the Republican leadership for finally agreeing to move to the nomination of Roger Titus, who has been cleared on this side for some time.

The nominee has won universal acclaim as a member of the Maryland bar. In fact, it was suggested that he was going to be nominated to the U.S. Court of Appeals for the Fourth Circuit. It would have been a consensus where both Republicans and Democrats would have agreed. I wish the administration had done that. Instead, they have moved him to fill this seat. It is not a confrontational one for the circuit. In any event, he should be supported. He will make the 168th judicial nominee of President Bush's to be confirmed, which sets an all-time record for this time in a President's term in office, surpassing even that of President Reagan, when we had a Republican majority.

Mr. Titus has been an active litigator in Maryland for over 37 years, and has litigated hundreds of cases, both civil and criminal. He has been a partner at the Venable law firm and is a former president of the Maryland Bar Association. He has also served as an adjunct professor at the Georgetown University Law Center. Mr. Titus earned a unanimous “well-qualified” rating from the ABA, and an AV rating from Martindale-Hubbell.

In 2001, Mr. Titus was honored with The Baltimore Daily Record's first Leadership in the Law Award, which recognizes members of the legal community for their devotion to the betterment of the profession and their communities. In 1999, Mr. Titus received the Century of Service Award from the Montgomery County Bar Association for his outstanding contributions to the legal profession and community during the 20th century.

According to an article in The Baltimore Sun, Mr. Titus was apparently in

the running to be nominated for a seat on the U.S. Court of Appeals for the Fourth Circuit. In light of his stellar qualifications, deep roots in his legal community and ability to garner the bipartisan support of his elected officials he would have been a consensus choice for this important appellate seat. It is unfortunate that the President felt the need to nominate someone without any local ties to that Maryland vacancy.

There are reportedly 30,000 practicing attorneys in the State of Maryland. Instead of nominating a well-qualified Marylander like Mr. Titus to Judge Murnahan's vacant seat on the Fourth Circuit, the President selected a younger, more controversial nominee with very little litigation experience. Not surprisingly, that nominee, Claude Allen, received a partial “not qualified” rating by the American Bar Association and his selection for this prestigious lifetime appointment has garnered a significant amount of opposition from concerned citizens groups.

It is regrettable that this President has again chosen the course of confrontation and conflict for his appellate court nominations. Mr. Titus, with his many years of litigation experience and his well-deserved reputation as a leader among lawyers in Maryland, is the type of person who should have been chosen for Judge Murnahan's vacant seat on the Fourth Circuit. His nomination stands in sharp contrast to the inexperienced and divisive candidates chosen by the White House for too many appellate judgeships in what appear to be an effort to pack the court with ideological nominees and tilt these courts.

There is no doubt that Mr. Titus is a Republican, yet he has the support of both of his home-State Senators and has earned the unanimous support of the Members of the Judiciary Committee. I am happy to support his nomination today and I congratulate Mr. Titus and his family on his confirmation. I commend Senators SARBANES and MIKULSKI for their efforts to identify outstanding Maryland lawyers to maintain the high standards of the Federal bench in Maryland.

In less than 3 years' time, President George W. Bush exceeded the number of judicial nominees confirmed for President Reagan in all 4 years of his first term in office. Senate Democrats have cooperated so that this President already surpassed the record of the President Republicans acknowledge to be the “all time champ” at appointing Federal judges. Since July, 2001, despite the fact that the Senate majority has shifted twice, with today's vote, a total of 168 judicial nominations have been confirmed, including 29 circuit court appointments. One hundred judges were confirmed in the 17 months of the Democratic Senate majority and with Mr. Titus' nomination we will have confirmed 68 during the comparative time of the Republican majority.

One would think that the White House and the Republicans in the Senate would be heralding this landmark. One would think they would be congratulating themselves for putting more lifetime appointed judges on the Federal bench than President Reagan did in his entire first term and doing it in three-quarters the time. But Republicans have a different partisan message and this truth is not consistent with their efforts to mislead the American people into thinking that Democrats have obstructed judicial nominations. That is why the President chose to criticize the Senate from the Rose Garden again last week rather than work with us and recognize what we can accomplish together.

Not only has this President been accorded more Senate confirmations than President Reagan achieved during his entire first term, but he has also achieved more confirmations this year than in any of the 6 years that Republicans controlled the Senate when President Clinton was in office. Not once was President Clinton allowed 68 confirmations in a year when Republicans controlled the pace of confirmations. Despite the high numbers of vacancies and availability of highly qualified nominees, Republicans never cooperated with President Clinton to the extent Senate Democrats have. President Bush has appointed more lifetime circuit and district court judges in 10 months this year than President Clinton was allowed in 1995, 1996, 1997, 1998, 1999, or 2000.

Last year alone, the Democratic majority in the Senate proceeded to confirm 72 of President Bush's judicial nominees and was savagely attacked nonetheless. Likewise in 1992, the last previous full year in which a Democratic Senate majority considered the nominees of a Republican President, 66 circuit and district court judges were confirmed.

Historically, in the last year of an administration, consideration of nominations slows, the "Thurmond rule" is invoked and vacancies are left to the winner of the upcoming Presidential election. In 1992, Democrats proceeded to confirm 66 of former President Bush's judicial nominees even though it was a Presidential election year. By contrast, in 1996, when Republicans controlled the pace for consideration of President Clinton's judicial nominees only 17 judges were confirmed and not a single one of them was to a circuit court.

In fact, President Bush has now already appointed more judges in his third year in office than in the third year of the last five Presidential terms, including the most recent term when Republicans controlled the Senate and President Clinton was leading the country to historic economic achievements. That year, in 1999, Republicans allowed only 34 judicial nominees of President Clinton's to be confirmed all year, including only 7 circuit court nominees. Those are close to the aver-

age totals for the 6 years 1995-2000 when a Republican Senate majority was determining how quickly to consider the judicial nominees of a Democratic President. By contrast, with today's confirmation, the Senate this year will have confirmed 68 judicial nominees, including 12 circuit court nominees, almost double the totals for 1999.

We have worked hard to balance the need to fill judicial vacancies with the imperative that Federal judges need to be fair. In so doing, we have reduced the number of judicial vacancies today to 40. More than 95 percent of the federal judgeships are filled. After inheriting 110 vacancies when the Senate Judiciary Committee reorganized under Democratic control in 2001, I helped move through and confirm 100 of the President's judicial nominees in just 17 months. With today's 68th confirmation this year, we have reached the lowest number of vacancies in 13 years. There are more Federal judges on the bench today than at any time in American history. These facts stand in stark contrast to the false partisan rhetoric that demonize the Senate for having blocked all of this President's judicial nominations. The reality is that the Senate is proceeding at a record pace and achieving record numbers.

I congratulate Mr. Titus and his family on his confirmation today.

Mr. HATCH. Mr. President, I am especially pleased today to speak in support of our nominee to the United States District Court for the District of Maryland, Roger Titus.

When the White House nominated Mr. Titus last June, Judge Peter Messitte of the district of Maryland, who happens to be an old high school classmate of Mr. Titus, called him a "first-class appointment and just a great guy. He is really one of the finest lawyers around." I agree wholeheartedly.

Not only is Mr. Titus a "great guy" and "one of the finest lawyers around," he is extremely well qualified—and well-deserving of the ABA's unanimous Well Qualified rating. His credentials are impeccable.

Mr. Titus earned a B.A. from Johns Hopkins and a J.D. from Georgetown University Law Center. Following his graduation from law school in 1966, Mr. Titus entered public service. He was first appointed as an assistant city attorney for Rockville, Maryland. He served in that capacity until 1970, at which time he was appointed city attorney.

While serving as a committed public servant, Mr. Titus established a private and prestigious law practice specializing in complex civil and appellate litigation. And in between serving in public office and operating a successful law practice, he found the time to teach at his alma mater, Georgetown University Law Center.

In 1988, Mr. Titus and his law partner merged their practice into Venable, Baetjer and Howard, LLP, where he is

currently a partner. His clients include the Board of Education of Montgomery County, the Montgomery County government, the Howard Hughes Medical Institute, Igen International, Inc., and Circuit City Stores, Inc.

Fellow members of the Maryland bar have recognized Mr. Titus's outstanding legal skills. He has received numerous accolades, among them fellowships in notable organizations such as the American Bar Foundation, the American College of Trial Lawyers, the American Academy of Appellate Lawyers, and the Maryland Bar Foundation. In 1989, he was appointed to the Standing Committee on Rules of Practice and Procedure of the Court of Appeals of Maryland. In 1999, he was one of seventeen living attorneys to be awarded the Century of Service Award by the Bar Association of Montgomery County. And in 2001, he was awarded the Leadership in Law Award of The Daily Record.

Mr. Titus brings sterling credentials, legal acumen, and nearly 40 years of experience to the Federal bench. He will undoubtedly be an excellent addition to the bench and I urge my colleagues to join me in supporting his confirmation.

Ms. MIKULSKI. Mr. President, I rise today to express my enthusiastic support for Roger Titus, a dedicated and well-qualified Maryland lawyer, to be a Federal district court judge for the District of Maryland.

When I review nominees for our Federal courts, I consider three criteria. They must have the utmost legal competence, the highest integrity and have a staunch dedication to protecting core constitutional values and guarantees. Mr. Titus meets all of these standards. I believe he will represent Maryland well on the District Court.

Mr. Titus is recognized as one of the best lawyers in Maryland. He has been awarded Century of Service Award by the Bar Association of Montgomery County and has been recognized for his leadership in the legal community with the Leadership on Law Award from The Baltimore Daily Record.

He is committed to serving the community and his profession. For over 16 years he served city attorney's office of Rockville, rising to position of city attorney. He is also a member of Board of Trustees of Suburban Hospital and pro bono counsel to Mobil Medical Care, Inc., a nonprofit dedicated to bringing health care services to Maryland's homeless population.

The position that Mr. Titus is nominated for is important to protecting the rights of all Marylanders. Mr. Titus will join two other distinguished nominees that the Senate confirmed earlier this year, whom I strongly supported, Judges Bennett and Quarles.

These nominees represent the types of lawyers that we should be putting on our Federal courts. They have strong bipartisan support, distinguished legal careers in the state from which they are selected and they are in the mainstream of legal thought.

One of the things that impresses me about Mr. Titus is his strong ties to the community. Mr. Titus was raised in Maryland, attended Bethesda/Chevy Chase high school and went to college at Johns Hopkins University. He was the first in his family to go to law school. In fact, he was an electrical engineering major and had not really had any exposure to lawyers until he eloped with the daughter of a lawyer in college. From there the rest is history. He is now one of many in a family of lawyers.

As a young lawyer, he worked as assistant city attorney in Rockville defending and representing the city. In 1972, he was appointed to be the city attorney of Rockville where he continued to represent the city in matters of complex municipal law. He also served as adjunct law professor at Georgetown Law School and then went on to establish his own successful law firm.

In 1988, his firm merged with one of the top law firms in the United States, based right here in Washington DC—the firm of Venable, Baetjer and Howard, LLP. Mr. Titus is a leader in the firm as the partner in charge of the Montgomery County office and as a member of firm's Management Board.

Roger Titus has had a distinguished legal career both working in the public sector as the advocate for the city of Rockville before the courts, and then in the private sector where he is known for his expertise in complex civil litigation. It is because of his service to the bar and his outstanding legal skills and intellect that Mr. Titus has received a "well qualified" rating from the American Bar Association.

Mr. Titus' dedication to the law is also seen in his work as a volunteer counsel for Mobile Medical Care, Inc. This is an organization that provides free medical services to poor and homeless persons. Some of the most vulnerable citizens in our society. As their legal counsel, he helped them resolve legal hurdles which enabled them to set up a headquarters in Bethesda, MD. His commitment to the law is also reflected in his service to the bar. As a member of the Standing Committee on Rules of Practice and Procedure of the Court of Appeals of Maryland, he worked to secure guidelines for legal representation of minors in proceedings terminating parental rights.

I mentioned before the awards that Mr. Titus has received. These accolades from his colleagues are proof of the respect he has in the legal community and his intellect and ability. They demonstrate his service to bar and community and how much he has accomplished in career.

I do not know how Mr. Titus will vote on every issue that comes before him. I know he has been nominated by a Republican President, and it is likely that my beliefs and Mr. Titus' beliefs on certain issues will differ. But I am confident that he will use his expertise and legal experience to guide him as he makes important decisions affecting

Marylanders. I am also confident that his legal background and respect for the law will be his foundation as he serves on the Federal District Court in Maryland.

I am impressed with Mr. Titus' commitment, expressed during his hearing before the Judiciary Committee, to adhering to the law. His dedication to following precedent and a statute's requirements, even where it is inconsistent with his own personal beliefs or is unpopular. It is the ability to put the law first, to know that personal views are irrelevant, that will serve him and Maryland well when he is a Federal district judge.

I am proud to support this distinguished Maryland lawyer for a seat on the prestigious Federal court in Maryland. It is well qualified, distinguished members of the bar, who are respected in their legal community and who are in the mainstream of legal thought, like Mr. Titus, that this administration should be nominating. These are nominees who have excelled in their profession and who are looked up to by Republicans and Democrats alike. Like Judges Quarles and Bennett, Mr. Titus is a nominee who both of Maryland's Senators can support. We support him because we are foremost concerned with protecting the integrity and excellence of the Maryland Federal judiciary.

That concern has lead both Senator SARBANES and myself to work with and support the choices of the administration for these District Court nominees. That concern is why I wish the administration had looked to the Maryland legal community when it nominated someone to fill the vacancy left by the death of Judge Francis Murnaghan, an esteemed jurist who served on the Fourth Circuit for over 20 years.

Today, as I rise to enthusiastically support the nomination of Mr. Titus and as I have risen to support the other nominees for the district court, I believe these individuals are a model of the types of lawyers that should be nominated to fill Judge Murnaghan's seat on the Fourth Circuit. These nominees show that the President could easily nominate someone from Maryland who is fit for the bench and will serve with pride and excellence. They also show that the administration would not have to look far for a qualified nominee from Maryland.

Mr. SARBANES. Mr. President, I would like to take this opportunity to express my support for the nomination of Roger W. Titus to the U.S. District Court for the District of Maryland.

I have always believed that one of the most important roles I have as a United States Senator is the responsibility to provide "advice and consent" with respect to nominees to the Federal judiciary, and it is with sober deliberation that I consider all nominations made by our Presidents. When considering nominees, I apply a high standard to determine whether to support them for the Federal bench. A

candidate should have had a career that has provided the breadth and depth of experience necessary to be a Federal judge, have contributed to the legal profession of our State, and have been an active participant in Maryland's civic community. All of these factors taken together must have elevated the nominee to a position of respect and esteem in our State that demonstrates that the nominee is ready and worthy for the challenges of a Federal judgeship.

Applying these standards, I am pleased to speak today on behalf of Roger Titus and urge the Senate to confirm his nomination. Roger Titus clearly meets these requirements, and will make a valuable contribution on the District Court.

Roger Titus received his undergraduate degree from Johns Hopkins University and his juris doctorate from Georgetown University Law Center. His legal career has spanned more than 30 years, during which time he has held a variety of positions in the public sector; private sector, with more than 30 years in private practice at firms large and small; and the academic field, as an adjunct professor at Georgetown University Law Center.

Roger Titus' career in private practice has been broad in scope—a fact that will serve him well on the bench. Concentrating in litigation, he has significant experience in State and local government law, general litigation, constitutional litigation, complex commercial litigation, as well as appellate work. Roger Titus has also been a leader in Maryland's legal community, most notably serving as President of the Maryland State Bar Association, but also devoting his time to numerous other legal organizations on a State, local and national level including the Bar Association of Montgomery County, American Bar Association, Maryland Municipal Attorneys Association, and the National Conference of Bar Presidents, among others. During this busy career, he has been active in the Maryland community, devoting substantial time to the Maryland Bar Foundation and as Chairman and member of the Board of Trustees for Suburban Hospital.

Given this record, it is no surprise that the American Bar Association gave Roger Titus a unanimous "well qualified" rating in its evaluation of his nomination. He has also received a number of prestigious awards for his career and record of service, including the Daily Record's first Leadership in the Law Award, which recognizes members of the legal community for their devotion to the betterment of the profession and their communities, and the Century of Service Award from the Montgomery County Bar Association, for his outstanding contributions to the legal profession and community during the twentieth century.

I am pleased to have the opportunity to speak today on behalf of Roger Titus' nomination to the Federal

bench, and I would like to congratulate him and his family on his confirmation. It is truly indicative of the exemplary career he has had in the legal profession, his commitment to our State, and the esteem with which Marylanders view his accomplishments.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time for the majority?

Mr. MCCAIN. I yield back the time.

The PRESIDING OFFICER. Is all time yielded back? Without objection, all time is yielded back.

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

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 Roger W. Titus, of Maryland, to be United States District Judge for the District of Maryland?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), 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. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 438 Leg.]

YEAS—97

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

NOT VOTING—3

Edwards	Kerry	Lieberman
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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. The Senate will return to legislative session.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—Continued

Mr. BENNETT. Mr. President, it is our intention to move next to the amendment of the Senator from Hawaii, Mr. AKAKA; and, after that, to the amendment of Senator CANTWELL. However, Senator SPECTER from Pennsylvania has an amendment which he wishes to propose. The time will not be long and he has another time commitment. I ask unanimous consent that Senator SPECTER be recognized before we proceed in the manner that I have outlined.

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

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Utah.

AMENDMENT NO. 2080

Mr. SPECTER. Mr. President, I call up amendment No. 2080, which is at the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 2080.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To limit the use of funds to allocate the rate of price support between the purchase prices for nonfat dry milk and butter in a manner that does not support the price of milk at the rate prescribed by law)

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

SEC. 7. LIMITATION ON ALLOCATION OF PURCHASE PRICES FOR BUTTER AND NONFAT DRY MILK.

None of the funds made available by this Act may be used to pay the salaries or expenses of employees of the Department of Agriculture to allocate the rate of price support between the purchase prices for nonfat dry milk and butter in a manner that does not support the price of milk in accordance with section 1501(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7981(b)).

Mr. SPECTER. Mr. President, this is an amendment which I am offering following a letter on July 8, 2003, to the Secretary of Agriculture, cosigned by some 20 Senators. This amendment provides that the Secretary must take immediate action concerning the Commodity Credit Corporation's purchase price for dairy products. The market price for individual products has fallen below the support levels, thus allowing the price of milk products to fall below

the statutory level of \$9.90 per hundredweight.

In the year 2000, 7 out of 12 months the price was below the \$9.90 set at \$8.57. In 2002, 4 out of 12 months were below the support price, and currently, in 2003, 6 out of 12 months were below the support price set at \$9.11.

This amendment prohibits the expenditures in the Department of Agriculture unless they follow the clear-cut mandate of existing law, which is to have the prices set.

I had understood a few moments ago that this was cleared on both sides, but it may be that there are some objections to be lodged. It is my hope that this can be worked out in the course of the afternoon.

I thank my colleagues for yielding these few minutes. I yield the floor.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2088

Mr. AKAKA. Mr. President, I rise today to offer an amendment to H.R. 2673, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for fiscal year 2004, that will help protect the health of the American public. This amendment would prohibit the U.S. Department of Agriculture (USDA) from utilizing funds under this Act to approve downed animals for human consumption. I thank Senators LEVIN, CANTWELL, and LIEBERMAN for cosponsoring this amendment.

Downed animals are livestock such as cattle, sheep, swine, goats, horses, mules, or other equines that are too sick to stand or walk unassisted. Many of these animals are dying from infectious diseases and present a significant pathway for the spread of disease.

I commend USDA and livestock organizations for their efforts to address the issue of downed animals. However, I am deeply concerned about diseases such as BSE, Bovine Spongiform Encephalopathy, more commonly known as mad cow disease, that pose a serious risk to the United States cattle industry and human health. A food inspection study conducted in Germany in 2001 found that BSE is present in a higher percentage of downed livestock than in the general cattle population. USDA stated that downed animals are one of the most significant potential pathways that have not been addressed in previous efforts to reduce risks from BSE. Stronger legislation is needed to ensure that these animals do not enter our food chain. My amendment prevents downed animals from being approved for consumption at our dinner tables.

On January 21st of this year, USDA's Animal and Plant Health Inspection