

immediate consideration of H. Con. Res. 106, American Jewish History Month.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (H. Con. Res. 106) recognizing and honoring America's Jewish community on the occasion of its 350th anniversary, supporting the designation of an "American Jewish History Month," and for other purposes.

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

Mr. FRIST. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 106) was agreed to.

The preamble was agreed to.

#### DESIGNATING AMERICAN EDUCATION WEEK

Mr. FRIST. I ask unanimous consent that the Senate now proceed to consideration of S. Res. 272, submitted by Senator SNOWE earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 272) designating the week beginning November 16, 2003, as American Education Week.

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

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table en bloc, and any statements be printed in the RECORD.

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

The resolution (S. Res. 272) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 272

Whereas schools are the backbone of democracy in the United States, providing young people with the tools necessary to maintain the precious values of freedom, civility, and equality;

Whereas, by equipping students with both practical skills and broader intellectual abilities, schools give young people in the United States hope for, and access to, a bright and productive future;

Whereas education employees, whether they provide educational, administrative, technical, or custodial services, work tirelessly to serve the children and communities of the United States with care and professionalism;

Whereas schools are the keystones of communities in the United States, bringing together adults and children, educators and volunteers, business leaders, and elected officials in a common enterprise; and

Whereas public school educators first observed American Education Week in 1921 and

are now celebrating the 82nd annual observance of American Education Week: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning November 16, 2003, as American Education Week; and

(2) recognizes the importance of public education and the accomplishments of the many education professionals who contribute to the achievement of students across the United States.

#### AUTHORIZING SALARY ADJUSTMENTS FOR JUSTICES AND JUDGES OF THE UNITED STATES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 371, H.R. 3349.

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

The legislative clerk read as follows:

A bill (H.R. 3349) to authorize salary adjustments for Justices and judges of the United States for fiscal year 2004.

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

Mr. LEAHY. Mr. President, I am pleased that the Senate is taking up and passing legislation to authorize salary adjustments for Justices and judges of the United States for fiscal year 2004.

As a member of both the Senate Judiciary Committee and the Appropriations Subcommittee on Commerce, Justice, State and the Judiciary, I have worked hard to help preserve a fair and independent judiciary. I have repeatedly introduced and cosponsored legislation to give our Federal judges meaningful and significant pay raises. I have been disappointed that the Continuing Resolutions approved by Congress fail to give the Federal judiciary even a cost-of-living adjustment, COLA.

In 1975, Congress enacted the Executive Salary Cost-of-Living Adjustment Act, intended to give judges, Members of Congress, and other high ranking executive branch officials automatic COLAs as accorded other Federal employees unless rejected by Congress. In 1981, Congress enacted section 140 of Public Law 97-92, mandating specific congressional action to give COLAs to judges. During the 21 years of section 140's existence, Congress has always accorded to the Federal judiciary coequal respect by suspending section 140 whenever Congress has granted to itself and other Federal employees a COLA. With the end of the last Congress, however, the continuing resolutions providing funding failed to suspend section 140, thus ensuring that no COLA would be provided for Federal judges during the current fiscal year, unless other action is taken.

In April of this year, I introduced legislation to respond to the shortfall in real judicial compensation, to repeal the link of judicial pay to congressional pay, to improve survivorship benefits, and to instill greater public confidence in our courts. This legisla-

tion would have obviated the annual need to pass judicial cost of living adjustments. Unfortunately, the Fair and Independent Judiciary Act of 2003 was never put on the agenda in committee for consideration.

I hope we can all agree that the Judiciary deserves a cost of living adjustment. I look forward to Senate passage of this bill to give our federal judges a cost of living adjustment. I hope the President will promptly sign our legislation into law.

Mr. FRIST. Mr. President, 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 PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3349) was read the third time and passed.

#### MEASURE PLACED ON THE CALENDAR—H.R. 1274

Mr. FRIST. Mr. President, I understand that there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (H.R. 1274) to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county.

Mr. FRIST. Mr. President, I would object to further proceedings on the measure at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

#### NOMINATIONS DISCHARGED

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that the HELP Committee be discharged from further consideration of a list of nominations that I send to the desk; further, that the nominations be placed on the calendar.

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

The list is as follows:

#### NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Jose Aponte  
Sandra Ashworth  
Edward Bertorelli  
Carol Diehl  
Allison Druin  
Beth Fitzsimmons  
Patricia Hines  
Colleen Huebner  
Stephen Kennedy  
Bridget Lamont  
Mary Perdue  
Herman Totten

#### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

David Eisner  
Carol Kinsley

#### DEPARTMENT OF EDUCATION

Raymond Simon

#### NATIONAL MEDIATION BOARD

Read Van de Water

JAMES MADISON FOUNDATION

Drew McCoy

NATIONAL COUNCIL ON THE ARTS

James McBride

DEPARTMENT OF LABOR

Steven J. Law

PUBLIC HEALTH SERVICE

174 nominees

U.S. INSTITUTE OF PEACE

Laurie S. Fulton

John West

DEPARTMENT OF EDUCATION

Susan Sclafani

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

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

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 9:39 p.m., recessed subject to the call of the Chair and reassembled at 10:26 p.m. when called to order by the Presiding Officer (Mr. ENSIGN).

#### MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H.J. Res. 79; that the resolution be read three times and passed; and that the motion to reconsider be laid upon the table.

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

The joint resolution (H.J. Res. 79) was read the third time and passed.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 1

Mr. FRIST. Mr. President, I ask unanimous consent that the contingent upon its availability, the Senate proceed to the consideration of the conference report to accompany H.R. 1, the Medicare Prescription Drug Modernization Act, at 10 a.m. tomorrow; provided that for duration of tomorrow's session, consideration of the conference report be for debate only, and the speakers be recognized in an alternating fashion.

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

#### ORDERS FOR SATURDAY, NOVEMBER 22, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today, it adjourn until 10 a.m., Saturday, November 22. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin consideration of the conference report to accompany H.R. 1, the Medicare Prescription Drug Modernization Act, as provided under the previous order.

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

#### PROGRAM

Mr. FRIST. Mr. President, tomorrow morning, the Senate will begin debate on the Medicare conference report. Senators who wish to make statements on this historic bill are encouraged to come to the floor during tomorrow's session. In addition, I inform my colleagues that there will be no rollcall votes during tomorrow's session. It is my hope that we will be able to schedule a vote on the conference report for Monday. I will continue to work with the Democratic leadership to reach an agreement for a final vote.

In addition, we will in all likelihood be in session on Sunday as well to continue the debate on Medicare. I will tomorrow make further announcements about Sunday.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:28 p.m., adjourned until Saturday, November 22, 2003, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate November 21, 2003:

##### DEPARTMENT OF DEFENSE

LAWRENCE T. DI RITA, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE VICTORIA CLARKE.  
JAYMIE ALAN DURMAN, OF NEW HAMPSHIRE, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE MARIO P. FIORI.

##### EXPORT-IMPORT BANK OF THE UNITED STATES

JOSEPH MAX CLELAND, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2007, VICE DORIAN VANESSA WEAVER, TERM EXPIRED.

APRIL H. FOLEY, OF NEW YORK, TO BE FIRST VICE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 20, 2005, VICE EDUARDO AGUIRRE, JR., RESIGNED.

##### DEPARTMENT OF STATE

ANN M. CORKERY, OF VIRGINIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-EIGHTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

BENJAMIN A. GILMAN, OF NEW YORK, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-EIGHTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

WALID MAALOUF, OF VIRGINIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-EIGHTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

##### OVERSEAS PRIVATE INVESTMENT CORPORATION

SANFORD GOTTESMAN, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE

INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2005, VICE GARY A. BARRON, TERM EXPIRED.

DEANE M. RUEBLING, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2005. (REAPPOINTMENT)

C. WILLIAM SWANK, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2005. (REAPPOINTMENT)

##### UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

JAMES M. STROCK, OF CALIFORNIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2006, VICE PENNY PERCY KORTH, TERM EXPIRED.

##### EXECUTIVE OFFICE OF THE PRESIDENT

ROBERT HURLEY MCKINNEY, OF INDIANA, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING OCTOBER 27, 2004, VICE WILLIAM A. GEOGHEGAN, TERM EXPIRED.

##### THE JUDICIARY

FRANKLIN S. VAN ANTWERPEN, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE EDWARD R. BECKER, RETIRED.

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

##### To be major

MICHAEL K. VAUGHAN, 8463

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be colonel

DALE A ADAMS, 0000

DENNIS J ADAMS, 0000

PAUL AHERN, 0000

RONALD L ALBRECHT, 0000

RICHARD K ALFORD, 0000

STEPHEN M ALLEN, 0000

DAVID W ALTIERI, 0000

STEVEN W ALTMAN, 0000

MARCIA C ANDERSON, 0000

THOMAS D ARNHOLD, 0000

ERNEST C AUDINO, 0000

DAVID S BALDWIN, 0000

JULIO R BANEZ, 0000

BRENT C BANKUS, 0000

CRAIG A BARGFRED, 0000

VANESSA D BARRON, 0000

JAMES B BATES, 0000

JAMES B BAXTER, 0000

MICHAEL E BEASLEY, 0000

PAUL D BELCZAK, 0000

DOUGLAS L BELK, 0000

RICKY L BELTRAN, 0000

THOMAS E BENDERNAGEL, 0000

GIDEON J BENHORN, 0000

LENOID T BEST, 0000

CYNTHIA J BINGHAM, 0000

MICHAEL D BISH, 0000

DOUGLAS H BIXLER, 0000

DAVID W BODDINGTON, 0000

LINDA C BODE, 0000

BRUCE J BOVIN, 0000

RALPH J BORKOWSKI, 0000

MICHAEL J BORREL, 0000

DENISE L BOUDREAU, 0000

DAVID L BOWMAN, 0000

LARRY C BOYD, 0000

GLENN A BRAMHALL, 0000

LEON M BRIDGES, 0000

MARCUS A BRINKS, 0000

BEVERLY R BROCKMAN, 0000

DAVID W BROWN, 0000

GERALD E BRUNN, 0000

MARK S BUECHLER, 0000

PAUL A BURKE, 0000

CURTIS R BURRIS, 0000

JEROME K BUTLER, 0000

JODY P BUTLER, 0000

ALAN J BUTSON, 0000

STEPHEN E BUYER, 0000

PHILIP D CALAHAN, 0000

KENNETH W CALHOUN, 0000

WILLIAM J CALLAHAN, 0000

DANIEL E CAMERON, 0000

MICHAEL E CAPLES, 0000

COURTNEY P CARR, 0000

CARL J CARTER, 0000

FRANK S CARUSO, JR., 0000

ROBERT CATALANOTTI, 0000

SCOTT E CHAMBERS, 0000

STEVEN W CHANDLER, 0000

WILLIAM V CLEMENT, 0000

PAUL D COLEMAN, 0000

DAVID L G COLINS, 0000

WILFREDO A COLONMARTINEZ, 0000

DONALD R CONOVER, 0000

FREDDIE W COOK, 0000

JAMES T CORRIGAN III, 0000

MARK E CORZINE, 0000

RONNIE R COX, 0000

RICHARD V CRIVELLO, 0000

SYLVIA R CROCKETT, 0000

KENT M CROSSLEY, 0000