

(4) any existing Federal law, including Federal common law and treaties, regarding State jurisdiction, or lack thereof, over any Tribe, tribal members or tribal reservations; and

(5) any existing State or local government authority to bring enforcement actions against persons located in Indian Country.

(b) COORDINATION OF LAW ENFORCEMENT.—Nothing in this Act or the amendments made by this Act shall be construed to inhibit or otherwise affect any coordinated law enforcement effort by 1 or more States or other jurisdictions, including Indian Tribes, through interstate compact or otherwise, that—

(1) provides for the administration of tobacco product laws or laws pertaining to interstate sales or other sales of tobacco products;

(2) provides for the seizure of tobacco products or other property related to a violation of such laws; or

(3) establishes cooperative programs for the administration of such laws.

(c) TREATMENT OF STATE AND LOCAL GOVERNMENTS.—Notwithstanding any other provision of this Act, the provisions of this Act are not intended and shall not be construed to authorize, deputize, or commission States or local governments as instrumentalities of the United States.

(d) ENFORCEMENT WITHIN INDIAN COUNTRY.—Nothing in this Act or the amendments made by this Act is intended to prohibit, limit, or restrict enforcement by the Attorney General of the United States of the provisions herein within Indian Country.

(e) AMBIGUITY.—Any ambiguity between the language of this section or its application, and any other provision of this Act shall be resolved in favor of this section.

#### SEC. 10. EFFECTIVE DATE.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on December 9, 2003, at 9:30 a.m., to conduct a hearing on the nominations of Ms. April H. Foley, of New York, to be first Vice President of the Export-Import Bank of the United States; and the Honorable Joseph Max Cleland, of Georgia, to be a member of the board of directors of the Export-Import Bank of the United States.

The PRESIDING OFFICER. Without objection it is so ordered.

#### SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia, be authorized to meet on Tuesday, December 9, 2003, at 10 a.m. for a hearing entitled, "Fair or Foul: The Challenge of Negotiating, Monitoring, and Enforcing U.S. Trade Laws."

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

### UNANIMOUS CONSENT AGREEMENT—H.R. 3108

Mr. FRIST. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the minority leader, the Senate proceed to consideration of H.R. 3108, the House-passed pensions bill, and that it be considered under the following limitations: That the only amendments in order be relating to the following topics: pension discount rate, deficit reduction contribution relief, multi-employer plan relief. I further ask that the following amendments be the only first-degree amendments in order and that any second-degree amendments be relevant to the first-degree amendment to which they are offered: No. 1, Frist-Daschle managers' amendment; three amendments by the majority leader or his designee; and three amendments by the minority leader or his designee.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, reserving the right to object—and I certainly will not—I just wish to indicate to the majority leader how pleased I am that at long last we have been able to get to this point. This has been a very difficult negotiation involving many Members. I think it is very important that we ultimately accomplish the passage of this legislation. This obviously does not bring us to a point where we will finalize the bill, but I think it sets us up in a way that will allow the completion of our work shortly after we return. That is the message we need to send on a bipartisan basis, and I appreciate the majority leader's leadership in getting us to this point. I will work with him as we coordinate the amendment time and debate, but I hope we can do this soon after we return. I expect we will complete our work at some point shortly after that. I thank him, and I have no objection.

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

Mr. FRIST. Mr. President, in the weeks leading up to the Thanksgiving holiday, and in the time since then, we have been trying to reach an agreement with respect to pension funding rules. As many of my colleagues are aware, the temporary pension discount rate relief we enacted in 2001 expires at the end of this year. There is virtually unanimous agreement that we need to replace the outdated 30 year treasury bill rate with a long-term corporate bond rate. However, absent some action by the House and the Senate, the statutory rate that pension plans must use to calculate their assets and liabilities will snap-back to the old 30-year rate. This will result in companies with pension plans having to assume that they will be making large contributions to their plans in the year to come.

Equally important, in my view, has been an effort to provide relief from the deficit reduction contribution, DRC, requirements that certain plans

are now facing. Under the current pension funding rules, companies that offer defined benefit pension plans are required to make additional contributions to those plans when they are less than 90 percent funded. A pension plan's funding level is determined by comparing the plan's current assets to its promised benefits and then calculating whether the two will match up by the time the benefits promised are due.

The recent drop in the stock market, low interest rates, and generous pension benefits agreed to in better times have caused many defined benefit pension plans to fall well beneath this 90 percent threshold. As a result, many companies are being required to make substantial additional contributions at the time they can least afford them. The Finance Committee-reported bill, which I support, included 3 years of DRC relief.

Despite our best efforts, it is clear that we will not be able to reach an agreement before the end of the year. We have, however, entered into a unanimous consent agreement that gives us a plan for addressing this issue when we return early next year. It is my belief that this issue can be wrapped up with one or two days of debate and that a conference agreement should follow shortly thereafter.

Replacing the current 30-year Treasury rate with a long-term corporate bond rate is a critically important issue, not only to the companies themselves but their employees as well. Equally important, however, is the broader pension bill upon which Senator GRASSLEY and Senator BAUCUS have worked so hard. Resolution of this more immediate issue is but a precursor to consideration of the larger pension reform bill. And even this is but a prelude to an effort to take a broader look at our nation's pension funding rules with an eye toward making more systematic reforms. I look forward to a spirited debate next year as we take the first step in this broader undertaking.

### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that during the upcoming adjournment of the Senate, all nominations remain status quo, with the following exceptions which I send to the desk: Colonel Quelly, PN 273-108; Colonel Rubino, PN 299-108; Brigadier General Meyer, PN 750-108; Colonel Baldwin, PN 1035-108; Claude Allen, PN 92 and PN 534; Jeane Kirkpatrick, PN 788; Louise Oliver, PN 943; Peter Eide, PN 617 and PN 104; Neil McPhie, PN 103; Calendar Nos. 219, 233, 234, 235, 236, 480, and 484.

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

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 132, 199, 200, 316, 410, 417, 419, 421, 434, 435, 451, 452, 453, 454, 456, 458, 459, 460, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 475, 476, 477, 479, 483, 485, 486, 487, 489, 491, 492, 493, 494, 510, 526, 527, 529, 532, and 474.

## NOMINATIONS DISCHARGED

I further ask unanimous consent that the following nominations be discharged from the Foreign Relations Committee and the Senate proceed to the nominations en bloc: David Mulford, PN 1110; James Oberwetter, PN 1113; further, that the following nominations be discharged from the Banking Committee and the Senate proceed to their consideration: April Foley, PN 1155; Joseph Max Cleland, PN 1154.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

## THE JUDICIARY

Bruce E. Kasold, of Virginia, to be a Judge of the United States Court of Appeals for Veterans Claims for the term prescribed by law.

## AFRICAN DEVELOPMENT FOUNDATION

Ephraim Batambeze, of Illinois, to be a Member of the Board of Directors of the African Development Foundation for a term expiring February 9, 2008.

John W. Leslie, Jr., of Connecticut, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2007.

## DEPARTMENT OF LABOR

Howard Radzely, of Maryland, to be Solicitor for the Department of Labor.

## THE JUDICIARY

George W. Miller, of Virginia, to be a Judge of the United States Court of Federal Claims for the term of fifteen years.

## DEPARTMENT OF THE INTERIOR

David Wayne Anderson, of Minnesota, to be an Assistant Secretary of the Interior.

## DEPARTMENT OF TRANSPORTATION

Karan K. Bhatia, of Maryland, to be an Assistant Secretary of Transportation.

## METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for the remainder of the term expiring May 30, 2006.

## UNITED STATES SENTENCING COMMISSION

William K. Sessions III, of Vermont, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2009.

## DEPARTMENT OF JUSTICE

David L. Huber, of Kentucky, to be United States Attorney for the Western District of Kentucky for the term of four years.

## ELECTION ASSISTANCE COMMISSION

Paul S. DeGregorio, of Missouri, to be a Member of the Election Assistance Commission for a term of two years.

Gracia M. Hillman, of the District of Columbia, to be a Member of the Election Assistance Commission for a term of two years.

Raymundo Martinez III, of Texas, to be a Member of the Election Assistance Commission for a term of four years.

Deforest B. Soaries, Jr., of New Jersey, to be a Member of the Election Assistance Commission for a term of four years.

## THE JUDICIARY

D. Michael Fisher, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

## DEPARTMENT OF STATE

Edward B. O'Donnell, Jr., of Tennessee, a Career Member of the Senior Foreign Service, Class of Counselor, for the rank of Ambassador during his tenure of service as Special Envoy for Holocaust Issues.

Jon R. Purnell, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uzbekistan.

Margaret DeBardleben Tutwiler, of Alabama, to be Under Secretary of State for Public Diplomacy.

Louise V. Oliver, of the District of Columbia, for the rank of Ambassador during her tenure of service as the United States Permanent Representative to the United Nations Educational, Scientific, and Cultural Organization.

William J. Hudson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia.

Margaret Scobey, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Syrian Arab Republic.

Thomas Thomas Riley, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco.

Jackie Wolcott Sanders, for the rank of Ambassador during her tenure of service as United States Representative to the Conference on Disarmament and the Special Representative of the President of the United States for Non-Proliferation of Nuclear Weapons.

Mary Kramer, of Iowa, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines.

Timothy John Dunn, of Illinois, a Career Member of the Senior Foreign Service, Class of Counselor, for the rank of Ambassador during his tenure of service as Deputy Permanent Representative to the Organization of American States.

James Curtis Struble, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru.

## INTER-AMERICAN DEVELOPMENT BANK

Hector E. Morales, of Texas, to be United States Alternate Executive Director of the Inter-American Development Bank.

## DEPARTMENT OF STATE

Marguerita Dianne Ragsdale, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Djibouti.

Stuart W. Holliday, of Texas, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

Jennifer Young, of Ohio, to be an Assistant Secretary of Health and Human Services.

Michael O'Grady, of Maryland, to be an Assistant Secretary of Health and Human Services.

## CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Rixio Enrique Medina, of Oklahoma, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

## DEPARTMENT OF JUSTICE

James B. Comey, of New York, to be Deputy Attorney General.

Federico Lawrence Rocha, of California, to be United States Marshal for the Northern District of California for the term of four years.

## DEPARTMENT OF TRANSPORTATION

Jeffrey A. Rosen, of Virginia, to be General Counsel of the Department of Transportation.

## CORPORATION FOR PUBLIC BROADCASTING

Elizabeth Courtney, of Louisiana, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2010.

Elizabeth Courtney, of Louisiana, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for the remainder of the term expiring January 31, 2004.

Cheryl Feldman Halpern, of New Jersey, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2008.

## DEPARTMENT OF THE TREASURY

Arnold I. Havens, of Virginia, to be General Counsel for the Department of the Treasury.

## OFFICE OF SPECIAL COUNSEL

Scott J. Bloch, of Kansas, to be Special Counsel, Office of Special Counsel, for the term of five years.

## FEDERAL DEPOSIT INSURANCE CORPORATION

Thomas J. Curry, of Massachusetts, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years.

## FEDERAL HOUSING FINANCE BOARD

Alicia R. Castaneda, of the District of Columbia, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2004.

Alicia R. Castaneda, of the District of Columbia, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2011.

## THE JUDICIARY

Lawrence B. Hagel, of Virginia, to be a Judge of the United States Court of Appeals for Veterans Claims for the term prescribed by law.

## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

David Eisner, of Maryland, to be Chief Executive Officer of the Corporation for National and Community Service.