

NOMINATION OF DEBORAH COOK

Mr. BAUCUS. Mr. President, I would like to explain why I opposed the nomination of Deborah Cook to the U.S. Circuit Court of Appeals for the Sixth Circuit earlier this week.

As I have stated, before, appointees to the Federal bench must be able to set aside their personal philosophies and beliefs. They must be able to administer and enforce the law in a fair and impartial manner. Because the U.S. Supreme Court hears fewer and fewer cases each year, the circuit courts are the court of last resort for many ordinary citizens and businesses. The circuit courts often have the last word on important cases dealing with civil rights, environmental protection, consumer protections, and labor issues, among many others. Circuit court judges must demonstrate a record of integrity, honesty, fairness, and a willingness to uphold the law. It doesn't matter if that person is nominated by a Democrat or a Republican—the standard remains the same.

In reviewing Ms. Cook's record, I noted several instances in which she clearly ignored her own State's Constitution or her own court's prior precedent in issuing her opinion or dissent. This was particularly striking in cases involving worker and consumer rights and protections. Her record indicates she lacks the sensitivity and legal integrity so vital to any person worthy of a lifetime appointment as a U.S. circuit court judge. Her record indicates she cannot set aside her own personal philosophies and beliefs in deciding the cases before her.

In short, I could not in good conscience, exercising my duty under the Constitution, vote to confirm Deborah Cook to a lifetime appointment on the Sixth Circuit Court of Appeals.

BUSINESS PRACTICES IN THE GUN INDUSTRY

Mr. LEVIN. Mr. President, a declaration recently filed in a California lawsuit by Mr. Robert A. Ricker, former assistant general counsel for the National Rifle Association and former executive director of the American Shooting Sports Council, revealed that many in the gun industry have long known that their business practices make it easier for criminals to gain access to guns yet often fail to do anything about it.

In his declaration, Mr. Ricker cites an example of irresponsible business practices in the gun industry known as straw purchasing. Straw purchases are a primary avenue by which a relatively small number of federally licensed firearm dealers supply the criminal market. A straw purchase involves a buyer with a clean record purchasing a gun for someone who is prohibited by law from doing so. Mr. Ricker asserts that it has long been known in the gun industry that many straw purchases and other questionable sales can be stopped

if dealers are trained in preventing illegal activity. However, in the absence of such training and a commitment to responsible business practices, many straw sales continue to take place undetected. Instead of requiring their dealers to act responsibly, Mr. Ricker says that it has been a common practice among some gun manufacturers to adopt a "see-no-evil, hear-no-evil, speak-no-evil" approach. This approach does nothing to discourage the evasion of firearms laws and regulations.

Mr. Ricker's accounts confirm what has long been suspected. Some gun manufacturers and dealers know their practices facilitate criminal access to firearms but they do nothing about it. The Lawful Commerce in Arms Act that recently passed the House and that has been referred to the Senate Judiciary Committee would shield those negligent and reckless gun dealers and manufacturers from many legitimate civil lawsuits. Certainly, those in the industry who conduct their business negligently or recklessly should not be shielded from the consequences of their actions. Mr. Ricker's declaration contributes further evidence that this bill would assist some in the gun industry in avoiding responsibility for their business practices.

ADDITIONAL STATEMENTS

NATIONAL NURSES WEEK

• Mr. JOHNSON. Mr. President, I acknowledge the importance of this week and pay tribute to a very important sector of our health care workforce. This week marks "National Nurse Week," which highlights the critical role that nurses play in our Nation's health care system. Nurses are the backbone of our health care system and their continued dedication and commitment to both patients and doctors deserves our praise during this special week. I am thankful for all the hard work that the men and women of this profession provide to the people of South Dakota and our Nation.

South Dakota is fortunate to have several successful nursing programs throughout the State dedicated to providing outstanding service to the people of South Dakota. It is important that these institutions continue to grow and work to bring bright young professionals to the nursing field. This job has become more difficult in recent years as the profession faces increased workforce shortages. The average practicing nurse is in her midforties and will soon leave the workforce for retirement. At the same time, we have less and less young nurses entering the field. This is especially a problem for rural States, such as South Dakota, which have chronic health care worker recruitment and retention problems. The nursing shortage also puts great strain on those currently working in the profession. Initiatives need to be

taken on both fronts, professional and educational, to address these challenges and bolster the nursing workforce in preparation for an aging baby boom generation.

Last year, I was pleased to be a co-sponsor of the Nurse Reinvestment Act, which was signed into law. This critically important legislation has established five standards that will help alleviate many of the problems facing the nursing profession, including a specific focus on implementing these programs in rural areas. First, it creates a National Nurse Service Corps Scholarship Program, which provides scholarships in exchange for at least 2 years of service in a critical nursing shortage area or facility. Second, it will recruit nurses by establishing Nurse Recruitment Grants and by creating both national and State public awareness campaigns. Third, it creates "career ladder" programs that will encourage individuals to pursue additional education, training, and advancement within the profession. Fourth, it includes a loan, scholarship, and stipend program for graduate level education in the nursing profession in exchange for teaching at an accredited school of nursing. Finally, it establishes a National Commission on the Recruitment and Retention of Nurses to conduct studies and make recommendations on the vital issues facing the nursing profession.

The fiscal year 2003 Omnibus Appropriations bill designated \$20 million in funding for the Nurse Reinvestment Act. While this marks a step in the right direction, I would like to see this funding increased to accurately reflect what is really needed to curb the workforce shortage crisis. I joined several of my colleagues in fighting for \$250 million in new money for this program last year, and as a member of the Senate Appropriations Committee, I will continue to fight for additional resources towards that goal.

As I have noted, the nursing workforce is the foundation of our health care system. The continued dedication and commitment of our country's nurses is truly inspirational and has made patients' lives better and doctors' jobs easier. I look forward to seeing this workforce grow as a result of the wonderful programs authorized by the Nurse Reinvestment Act. I will do what I can to help foster the expansion of these programs and I celebrate Nurses Week by thanking the nurses of this country for all that they do. ●

MESSAGE FROM THE HOUSE

At 11:44 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 874. An act to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents.

H.R. 1261. An act to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes.

The message also announced that pursuant to section 101(f)(3) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 1320b-19), and the order of the House of January 8, 2003, the Speaker appoints the following member on the part of the House of Representatives to the Ticket to Work and Work Incentives Advisory Panel: Mrs. Berthy De La Rosa-Aponte of Cooper City, FL, to a 4-year term.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 874. An act to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents; to the Committee on Commerce, Science, and Transportation.

H.R. 1261. An act to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2272. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Use of Debit cards for Flexible Spending Arrangements (Rev. Rul. 2003-43)" received on May 7, 2003; to the Committee on Finance.

EC-2273. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice (Notice 2003-32)" received on May 7, 2003; to the Committee on Finance.

EC-2274. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Continuing Employment Exception to Medicare Tax Not Available If State or Local Government Employee Not a Member of a State Retirement System (Rev. Rule 2003-46)" received on May 7, 2003; to the Committee on Finance.

EC-2275. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "April-June 2003 Bond Factor Amounts (Rev. Rul. 2003-44)" received on May 7, 2003; to the Committee on Finance.

EC-2276. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bank Demutualization (Rev. Rul. 2003-48)" received on May 7, 2003; to the Committee on Finance.

EC-2277. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Earnings Calculation for Returned or Recharacterized IRA Contribution (RIN 1545-BA82)" received on May 7, 2003; to the Committee on Finance.

EC-2278. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Length of Service Award Program (Rev. Rul. 2003-47)" received on May 7, 2003; to the Committee on Finance.

EC-2279. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 403(b) distribution reporting and withholding (Notice 2003-20)" received on May 7, 2003; to the Committee on Finance.

EC-2280. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure 2003-35 Gaming Industry Tip Compliance Agreement" received on May 7, 2003; to the Committee on Finance.

EC-2281. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Constructive Transfers and Transfers of Property to a Third Party on Behalf of a Spouse (1545-AX99)" received on May 7, 2003; to the Committee on Finance.

EC-2282. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendment of Waiver of Loss Carryovers from Separate Return Limitation Years (1545-BB39)" received on May 7, 2003; to the Committee on Finance.

EC-2283. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Section 817A Regarding Modified Guaranteed Contracts (1545-AY48)" received on May 7, 2003; to the Committee on Finance.

EC-2284. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "National Median Gross Income for 2003 Revenue Procedure (Rev. Proc. 2003-29)" received on May 7, 2003; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance, with an amendment in the nature of a substitute and an amendment to the title:

S. 2. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives to encourage economic growth.

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 709. A bill to award a congressional gold medal to Prime Minister Tony Blair.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORZINE (for himself, Mr. LEAHY, Mr. COCHRAN, and Mrs. LINCOLN):

S. 1035. A bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55; to the Committee on Armed Services.

By Mr. ALLARD (for himself, Mr. FEINGOLD, Mr. KOHL, Mr. ROBERTS, Mr. CAMPBELL, Mr. BURNS, and Mr. CRAIG):

S. 1036. A bill to provide for a multi-agency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. SNOWE (for herself, Mr. ROCKEFELLER, Mr. WARNER, Mr. HOLLINGS, Mr. KERRY, Ms. COLLINS, Mr. CARPER, Mr. ALLEN, Ms. LANDRIEU, Mrs. LINCOLN, Mr. FITZGERALD, Mr. DORGAN, Mr. CORZINE, Mr. CAMPBELL, Mr. SCHUMER, Mr. CHAFEE, Mr. SMITH, Mr. HARKIN, Ms. MIKULSKI, Ms. CANTWELL, Mr. NELSON of Nebraska, Mr. CRAIG, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. 1037. A bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs; to the Committee on Finance.

By Mr. THOMAS (for himself, Mr. ENZI, Mr. CRAIG, Mr. STEVENS, and Mr. BURNS):

S. 1038. A bill to limit the acquisition by the United States of land located in a State in which 25 percent or more of the land in that State is owned by the United States; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. STEVENS, Mr. SANTORUM, Mr. KYL, Mrs. HUTCHISON, Mr. ALLEN, Mr. LOTT, Mr. HATCH, Mr. CORNYN, and Mr. CHAMBLISS):

S. Res. 138. A resolution to amend rule XXII of the Standing Rules of the Senate relating to the consideration of nominations requiring the advice and consent of the Senate; to the Committee on Rules and Administration.

By Mr. SUNUNU:

S. Res. 139. A resolution expressing the thanks of the Senate to the people of Qatar for their cooperation in supporting United States Armed Forces and the armed forces of coalition countries during the recent military action in Iraq, and welcoming His Highness Sheikh Hamad bin Khalifah Al-Thani, Emir of the State of Qatar, to the United States; considered and agreed to.

By Mr. CAMPBELL (for himself, Mr. DURBIN, Mr. BOND, Mr. HOLLINGS, Mr. KERRY, Mrs. MURRAY, Mr. BIDEN,