

I. NOMINATIONS

R. Hewitt Pate to be Assistant Attorney General, Antitrust Division, U.S. Department of Justice; David B. Rivkin to the Foreign Claims Settlement Commission; Richard C. Wesley to be United States Circuit Judge for the Second Circuit; J. Ronnie Greer to be United States District Judge for the Eastern District of Tennessee; Thomas M. Hardiman to be United States District Judge for the Western District of Pennsylvania; Mark R. Kravitz to be United States District Judge for the District of Connecticut; John A. Woodcock to be United States District Judge for the District of Maine.

II. BILLS

S. Res. 116, A resolution commemorating the life, achievements and contributions of Al Lerner.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, June 5, 2003, at 2:00 p.m., to conduct a hearing on Senate Rule XXII and proposals to amend this rule.

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

SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE, AND NUCLEAR SAFETY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Climate Change, and Nuclear Safety be authorized to meet on Thursday, June 5 at 9:30 a.m. to conduct a hearing regarding S. 485, the Clear Skies bill, to examine emissions-control technologies and utility-sector investment issues.

The hearing will take place in SD 406.

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine be authorized to meet on Thursday, June 5, 2003, on Intercity Passenger Rail Finance at 10 a.m. in Room SR-253.

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Jerry Perez, a legislative fellow in the office of Senator LEAHY, be given the privilege of the floor during the remainder of the debate on S. 14.

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

Mr. DORGAN. Mr. President, I ask unanimous consent that John Gaginis be granted floor privilege today.

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

Mr. AKAKA. Mr. President, I ask unanimous consent that Barbara Peichel, my legislative fellow, be allowed floor privileges during the remainder of today's session.

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

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF MICHAEL CHERTOFF

Mr. BENNETT. As in executive session, I ask unanimous consent that at 5:15 on Monday, June 9, the Senate proceed to executive session for the consideration of Calendar No. 201, the nomination of Michael Chertoff to be U.S. circuit judge for the Third Circuit; provided further that there then be 30 minutes for debate equally divided in the usual form prior to a vote on the confirmation of the nomination, with no intervening action or debate. I further ask consent that following the vote, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Reserving the right to object, Mr. President, this will be the 128th judge that this Senate has approved during the term of this President. This will be the 25th circuit judge that has been approved. I want the record to make sure everyone understands that, 128 to 2. Two have been held up.

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

Mr. BENNETT. Mr. President, I would make a comment before I proceed to the next consent request. With respect to Mr. Chertoff, I became well acquainted with Mr. Chertoff when he served as counsel to the special committee created by Senate resolution to investigate the Whitewater matter. I found him competent, direct, thorough, well prepared, and a delightful human being. I probably will not get into the debate, the amount of time being limited, but I want the record to show how highly I esteem him and how enthusiastically I will vote to confirm him for the circuit court position to which he has been nominated.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today's Executive Calendar, Calendar No. 203. I further ask unanimous consent that the nomination be confirmed, the motion 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.

Mr. REID. No objection.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF JUSTICE

Peter D. Keisler, of Maryland, to be an Assistant Attorney General.

LEGISLATIVE SESSION

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

COMMEMORATING LIFE, ACHIEVEMENTS, AND CONTRIBUTIONS OF AL LERNER

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 122, S. Res. 116.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 116) commemorating the life, achievements, and contributions of Al Lerner.

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

Mr. VOINOVICH. Mr. President, I rise today to honor Alfred Lerner. Al, as he was called by those who knew him best, was a man of great success and wealth but also great compassion and charity.

Al was born in New York City, graduated from Columbia College and proudly served in the Marine Corps as an officer and pilot from 1955 through 1957. The son of Russian immigrants, Al Lerner had an amazing sense of patriotism and was so proud to accept the Ellis Island Medal in honor of his immigrant heritage and individual achievements in 2002.

My personal relationship with Al developed because of the fondness we shared for the city of Cleveland, and Cleveland is a better place because of Al Lerner. His generosity was seen in well known ways such as his contributions to Rainbow Babies and Children's Hospital, where the Lerner Research Institute was founded, and to the Cleveland Clinic. In fact, Al Lerner's \$100,000,000 contribution to the Cleveland Clinic was one of the largest donations to academic medicine in the history of the United States. Al gave so much of himself to these institutions, serving as president and trustee of the Cleveland Clinic Foundation and establishing the Lerner Research Institute at the Clinic to conduct research of new treatments for cancer, coronary artery disease and AIDS.

Al Lerner also understood how important professional football is to the city of Cleveland, and due in large part to his business savvy, Lerner and his partner, Carmen Policy, were able to reestablish a football team in Cleveland. He was subsequently appointed chairman of the National Football League Finance Committee, and I am confident that the Cleveland Browns' 2002 playoff appearance, just 4 years after returning to the league, had a great deal to do with Al's leadership

and guidance. I am not sure Cleveland would have its Browns today without Al Lerner's dedication and determination.

Despite his amazing success as the founder, chairman, and chief executive of MBNA Corporation, Al Lerner remained grounded. He helped raise funds through the company and the Cleveland Browns, for the "Cleveland Brown Hero Fund" to aid families from the New York City Fire and Police Departments who suffered the loss of a parent in the tragic September 11, 2001, terrorist attacks. Al also answered President Bush's call in the aftermath of September 11, and was a member of the President's Foreign Advisory Board.

Throughout his lifetime, many of Al's other achievements could also be observed in quieter ways that were never heralded. His dedication to his family was remarkable. He married his high school sweetheart and best friend, Norma. They shared 47 glorious years together and raised two children, Randy and Nancy. My wife Janet and I talked often about how Al and Norma seemed to love each other and genuinely enjoyed each other's company. Perhaps the greatest contribution that the two of them made was the strong example of a good marriage for their children, seven grandchildren, and anyone who know Al and Norma Lerner.

I am honored to have known and worked with Al Lerner and am confident that his legacy will remain an example of hard work, philanthropy, and genuine kindness for generations to come.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 116) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 116), with its preamble, reads as follows:

S. RES. 116

Whereas Alfred Lerner ("Al" to those who knew him best) was a successful, humble, compassionate, and well respected member of his family and community whose life was devoted to civic involvement and efforts to improve the quality of education and health care available to his fellow citizens;

Whereas Al Lerner was born in Brooklyn, New York in 1933, graduated from Brooklyn Technical High School in 1951, and received a B.A. from Columbia College in 1955;

Whereas Al Lerner was a Marine Corps officer and pilot from 1955 through 1957, displaying his love of country by wearing his Marine Corps cap long after finishing his tour of duty, and later was a director of the Marine Corps Law Enforcement Foundation;

Whereas Al Lerner was the son of Russian immigrants, and in 2002 received the Ellis Island Medal of Honor, which celebrates immigrant heritage and individual achievements;

Whereas Al Lerner and his high school sweetheart, best friend, and partner in life, Norma Lerner, shared 47 years of marriage and were deeply committed to their 2 children, Randy and Nancy;

Whereas Al and Norma Lerner made extremely generous contributions to local and national charities, including a contribution of \$10,000,000 in 1993 to Rainbow Babies and Children's Hospital in Cleveland, a donation of \$16,000,000 to support construction of the Lerner Research Institute, and a donation of \$100,000,000 to the Cleveland Clinic—one of the largest donations to academic medicine in the history of the United States;

Whereas Al Lerner served as president and trustee of the Cleveland Clinic Foundation where the Lerner Research Institute was established to conduct research of new treatments for cancer, coronary artery disease, and AIDS;

Whereas Al Lerner, along with his business partner Carmen Policy, reestablished a National Football League team in Northern Ohio when he purchased the expansion Cleveland Browns football organization in 1998, worked hard to make the people of Cleveland and Northern Ohio proud of their football team, and was subsequently appointed chairman of the National Football League Finance Committee;

Whereas the Cleveland Browns, on the strength of Al Lerner's leadership, reached the National Football League playoffs following the 2002 season, only 4 years after returning to the league;

Whereas Al Lerner served as founder, chairman, and chief executive of MBNA Corporation, which employs thousands of people in Ohio and is the Nation's largest issuer of independent credit cards;

Whereas Al Lerner served as vice chairman, trustee, and benefactor of Columbia College, which is now known as Columbia University, and also served as a trustee for Case Western Reserve University and New York Presbyterian Hospital;

Whereas Al Lerner helped raise funds, through his affiliation with MBNA and the Cleveland Browns, for the "Cleveland Browns Hero Fund" to aid families from the New York City Fire and Police Departments who suffered the loss of a parent in the tragic September 11, 2001, terrorist attacks;

Whereas Al Lerner was appointed in 2001 by President Bush as 1 of 15 members of the President's Foreign Intelligence Advisory Board, which advises the President concerning the quality and adequacy of intelligence collection, intelligence analysis and estimates, counter-intelligence, and other intelligence activities;

Whereas Al Lerner is survived by his wife, partner, and best friend, Norma, their son Randy, their daughter Nancy, and 7 grandchildren; and

Whereas Al Lerner passed away on October 23, 2002, and the contributions he made to his family, his community, and his Nation will not be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life, achievements, and contributions of Alfred Lerner; and

(2) extends its deepest sympathies to the family of Alfred Lerner for the loss of a great and generous man.

COMMENDING CLEMSON UNIVERSITY TIGERS MEN'S GOLF TEAM

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 161, which was submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 161) commending the Clemson University Tigers men's golf team for winning the 2003 National Collegiate Athletic Association Division I Men's Golf Championship.

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

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

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

The resolution (S. Res. 161) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 161

Whereas on Friday, May 30, 2003, the Clemson University Tigers men's golf team won the 2003 NCAA Division I Men's Golf Championship, the first National Championship for the Clemson men's golf team;

Whereas the Tigers finished the Championship with a four-round total of 1191 strokes, for 39 shots over par, beating the second place Oklahoma State University Cowboys by two strokes;

Whereas the Tigers won the National Championship on the home course of Oklahoma State University, one of the most decorated golf schools in the Nation;

Whereas the Clemson golf team was the first in NCAA history to win its conference championship, a NCAA regional title, and the National Championship in the same year;

Whereas the Tigers started the year and ended the year as the number-one ranked team in the Nation;

Whereas the Tigers finished the season with a 128-8-3 record against opponents ranked in the top 25 teams in the country, which amounts to an incredible winning percentage of 93 percent, by far the best in the Nation and the best in Clemson history;

Whereas all of the Tigers players who participated in the NCAA Championship are native-born South Carolinians;

Whereas players D.J. Trahan, Jack Ferguson, and Matt Hendrix were honored as All-Americans for the 2002-03 season;

Whereas Head Coach Larry Penley won the Golf Coaches Association of America's Dave Williams Award as the National Coach of the Year;

Whereas the Clemson University men's golf team has displayed outstanding dedication, teamwork, and sportsmanship throughout the season in achieving collegiate golf's highest honor; and

Whereas the Tigers have brought pride and honor to the State of South Carolina: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Clemson University Tigers for winning the 2003 National Collegiate Athletic Association Division I Men's Golf Championship;

(2) recognizes the achievements of all the team's players, coaches, and staff and invites them to the United States Capitol Building to be honored in an appropriate manner; and

(3) directs the Secretary of the Senate to make available enrolled copies of this resolution to Clemson University for appropriate display and to transmit an enrolled copy of this resolution to each coach and member of the 2003 NCAA Division I Men's Golf Championship team from Clemson University.