

scholars recognize the need for discretion in sentencing, Congress has continually tried to limit it, initially through the adoption of mandatory-minimum sentencing laws.

Congress's distrust of judicial discretion led to the adoption in 1984 of the Sentencing Reform Act, which created the United States Sentencing Commission. The commission was created on the premise, not unreasonable, that uniformity in sentencing nationwide could be promoted if judges and other criminal law experts provided guidelines for federal judges to follow in imposing sentences. However, Congress has tried to micromanage the work of the commission and has undermined its efforts to provide judges with some discretion in sentencing or to ameliorate excessively harsh terms.

For example, when an extensive study demonstrated that there was no justification for treating crack cocaine as 100 times more dangerous than powdered cocaine, the ratio adopted by Congress in fixing mandatory minimum sentences, the commission proposed reducing the guideline ratios. However, the proposal was withdrawn when Congressional leaders made it clear that Congress would overrule it.

Congress's most recent assault on judicial independence is found in amendments that were tacked onto the Amber Alert bill, which President Bush signed into law on April 30. These amendments are an effort to intimidate judges to follow sentencing guidelines.

From the outset, the sentencing commission recognized the need to avoid too rigid an application of the guideline system and provided that judges would have the power to adjust sentences when circumstances in an individual case warranted. The recent amendments require the commission to amend the guidelines to reduce such adjustments and require that every one be reported to Congress. They also require that departures by district judges be reviewed by the appellate courts with little deference to the sentencing judge.

Congress's disdain for the judiciary is further manifested in a provision that changes the requirement that "at least three" of the seven members of the sentencing commission be federal judges to a restriction that "no more than" three judges may serve on it. Apparently Congress believes America's sentencing system will be jeopardized if more than three members of the commission have actual experience in imposing sentences.

Every sentence imposed affects a human life and, in most cases, the lives of several innocent family members who suffer as a result of a defendant's incarceration. For a judge to be deprived of the ability to consider all of the factors that go into formulating a just sentence is completely at odds with the sentencing philosophy that has been a hallmark of the American system of justice.

When I took my oath of office 13 years ago I never thought that I would leave the federal bench. While I might have stayed on despite the inadequate pay, I no longer want to be part of our unjust criminal justice system.

#### VETERAN'S MEMORIAL

Mrs. LINCOLN. Mr. President, I rise today on behalf of all Arkansans to recognize the veterans who have served in our Armed Forces. A beautiful memorial in Saline County, AK, has been built, and will be dedicated on July 10, to honor those who have protected and served our country. All service men

and women are being honored, including my father, who served in Korea. He taught me at a very early age to have tremendous respect for those who have fought to defend our freedom. Not only will this memorial honor our veterans, it will also remind future generations of the sacrifices that were made for this great country.

I also wish to recognize those who brought this day together for our Veterans. Judge Lanny Fite, State Representative Dwight Fite, the Saline County Veteran's Board, Jack McCray, Gary Ballard, and many others have given of themselves to make this memorial possible. I am grateful for their efforts to honor the men and women who serve our Nation in uniform. This memorial is a fitting tribute of which Saline County and our entire State can be proud.

#### ADDITIONAL STATEMENTS

##### HONORING THE GENERAL MOTORS CORVETTE ASSEMBLY PLANT

• Mr. BUNNING. Mr. President, I have the privilege and honor of rising today to recognize the hard work of those at the Corvette assembly plant in Bowling Green, KY, on the 50th anniversary of the Corvette.

America's love for the Corvette began in 1953, when the first American sports car took over the highways. Since then, the automotive industry has never been the same. Kentucky became part of this American icon in 1981, when an old air-conditioner manufacturing plant, located in western Kentucky, was converted into an automobile assembly plant. The Bowling Green plant holds the proud honor of being the sole Corvette producer. Another state-of-the-art renovation in 1996 once again placed the Bowling Green plant on the road to excellence in preparation for production of the latest Corvettes.

Each year, milestone after milestone, and award on top of award, the Bowling Green plant consistently shines. For 2 years Corvettes produced in Kentucky have captured Motor Trend Magazine's highly respected "Car of the Year" designation. In 1992, the Bowling Green plant produced the one-millionth Corvette.

However, the secret of their success lies in the hard work and determination of the Bowling Green team. Without skillful minds and driven hands, innovative ideas and quality-built cars would never come to fruition.

It is not often we have the chance to honor such a milestone. Please join me in congratulating all those who have worked at the General Motors Bowling Green assembly plant. I am pleased they are continuing the Corvette tradition with a Kentucky touch.●

##### DISTRICT OF COLUMBIA'S FISCAL YEAR 2004 BUDGET REQUEST ACT—PM 43

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

*To the Congress of the United States:*

Consistent with my constitutional authority and sections 202(c) and (e) of the District of Columbia Financial Management and Responsibility Assistance Act of 1995 and section 446 of the District of Columbia Self-Governmental Reorganization Act as amended in 1989, I am transmitting the District of Columbia's Fiscal Year 2004 Budget Request Act.

The proposed Fiscal Year 2004 Budget Request Act reflects the major programmatic objectives of the Mayor and the Council of the District of Columbia. For Fiscal Year 2004, the District estimates total revenues and expenditures of \$5.6 billion.

GEORGE W. BUSH,  
THE WHITE HOUSE, July 9, 2003.

#### MESSAGE FROM THE HOUSE

At 11:06 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. 1761. An act to designate the facility of the United States Postal Service located at 9350 East Corporate Hill Drive in Wichita, Kansas, as the "Garner E. Shriver Post Office Building".

H.R. 2396. An act to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Durate, California, as the "Francisco A. Martinez Flores Post Office".

H.R. 2631. An act to provide that the actuarial value of the prescription drug benefits offered to Medicare eligible enrollees by a plan under the Federal employees health benefits program shall be at least equal to the actuarial value of the prescription drug benefits offered by such plan to its enrollees generally.

H.R. 2658. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

#### MEASURES REFERRED

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

H.R. 1761. An act to designate the facility of the United States Postal Service located at 9350 East Corporate Hill Drive in Wichita, Kansas, as the "Garner E. Shriver Post Office Building"; to the Committee on Governmental Affairs.

H.R. 2396. An act to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Durate, California, as the "Francisco A. Martinez Flores Post Office"; to the Committee on Governmental Affairs.

H.R. 2631. An act to provide that the actuarial value of the prescription drug benefits

offered to Medicare eligible enrollees by a plan under the Federal employees health benefits program shall be at least equal to the actuarial value of the prescription drug benefits offered by such plan to its enrollees generally; to the Committee on Governmental Affairs.

#### 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-3028. A communication from The Secretary of Veterans Affairs, transmitting, a draft of proposed legislation entitled "Prisoners of War Benefit Amendments of 2003"; to the Committee on Veterans' Affairs.

EC-3029. A communication from the Secretary of State, transmitting, a draft of proposed legislation entitled "Compact of Free Association Amendments Act of 2003"; to the Committee on Energy and Natural Resources.

EC-3030. A communication from the Secretary of the Interior, transmitting, pursuant to law, the 2002 Annual Report for the Department of the Interior's Office of Surface Mining; to the Committee on Energy and Natural Resources.

EC-3031. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "North Dakota Regulatory Program" (ND-046-FOR) received on July 7, 2003; to the Committee on Energy and Natural Resources.

EC-3032. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Texas Regulatory Program" (TX-043-FOR) received on July 7, 2003; to the Committee on Energy and Natural Resources.

EC-3033. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Illinois Regulatory Program" (IL-099-FOR) received on July 7, 2003; to the Committee on Energy and Natural Resources.

EC-3034. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" (PA-128-FOR) received on July 7, 2003; to the Committee on Energy and Natural Resources.

EC-3035. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "West Virginia Regulatory Program" (WV-098-FOR) received on July 7, 2003; to the Committee on Energy and Natural Resources.

EC-3036. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 02-05; to the Committee on Appropriations.

EC-3037. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, Presidential Determination Number 2003-27, relative to waiving prohibition on United States Military Assistance to the Rome Statute Establishing the International Criminal Court; to the Committee on Foreign Relations.

EC-3038. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a danger pay allowance to US government civilians in Saudi

Arabia; to the Committee on Foreign Relations.

EC-3039. A communication from the President of the United States, transmitting, pursuant to law, an annual report on peace-keeping operations and costs of maintaining international stability; to the Committee on Foreign Relations.

EC-3040. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements, other than treaties; to the Committee on Foreign Relations.

EC-3041. A communication from the General Counsel, Executive Office of the President, Office of Management and Budget, transmitting, pursuant to law, a report relative to the vacancy, the designation of acting officer, and nomination for the position of Director of Office of Management and Budget, received July 7, 2003; to the Committee on Governmental Affairs.

EC-3042. A communication from the General Counsel, Executive Office of the President, Office of Management and Budget, transmitting, pursuant to law, the report of a vacancy and nomination confirmed for the position of Deputy Director of Management; to the Committee on Governmental Affairs.

EC-3043. A communication from the Acting Chairman, National Endowment for the Arts, transmitting, pursuant to law, a report of the Office of Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC-3044. A communication from the Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2002 through February 28, 2003; to the Committee on Governmental Affairs.

EC-3045. A communication from the Chairman of the Board, Pension Benefit Guaranty Corporation, Secretary of Labor, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2002 through March 31, 2003; to the Committee on Governmental Affairs.

EC-3046. A communication from the Administrator, National Aeronautics and Space Administration, Office of the Administrator, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2002 through March 31, 2003; to the Committee on Governmental Affairs.

EC-3047. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 15-99, "Honoraria Temporary Amendment Act of 2003"; to the Committee on Governmental Affairs.

EC-3048. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 15-100, "Lead-Based Paint Abatement and Control Temporary Amendment Act of 2003"; to the Committee on Governmental Affairs.

EC-3049. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report of D.C. Act 15-106, "Fiscal Year 2004 Budget Support Act of 2003"; to the Committee on Governmental Affairs.

EC-3050. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 15-101, "Dedication and Designation of Commodore, Joshua Barney Drive, N.E., Fort Lincoln Drive, N.E., and Lincoln Drive North, N.E., Act of 2003"; to the Committee on Governmental Affairs.

EC-3051. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, a report of the cor-

rected version of the Postal Rate's Commission's Report to the Congress on FY 2002 International Mail Volumes, Costs, and Revenues; to the Committee on Governmental Affairs.

EC-3052. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 2002 through March 31, 2003; to the Committee on Governmental Affairs.

EC-3053. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 7E for Fiscal Years 2000 Through 2003 as of March 31, 2003"; to the Committee on Governmental Affairs.

EC-3054. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Auditor's Review of the University of the District of Columbia's Land-Grant Endowment Fund"; to the Committee on Governmental Affairs.

EC-3055. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, a report containing copies of the Postal Rate Commission's Report to the Congress on FY 2002 International Mail Volumes, Costs, and Revenues; to the Committee on Governmental Affairs.

EC-3056. A communication from the Director, OSHA Directorate of Standards and Guidance, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Occupational Injury and Illness Recording Requirements — Deletion of MSD Column Requirements" (RIN1218-AC06) received on July 7, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-3057. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Interim Final Regulation" (RIN0938-AL42) received on July 7, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-3058. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled "Clarifying of Release Gratuities—Release Transportation Regulations to More Closely Conform to Statutory Provisions" (RIN1120-AB21, 68 FR 34301) received on July 7, 2003; to the Committee on the Judiciary.

EC-3059. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled "Release Gratuities, Transportation, and Clothing: Aliens" (RIN1120-AA93, 68FR34299), received on July 7, 2003; to the Committee on the Judiciary.

EC-3060. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Attorney General, Department of Justice, received on July 7, 2003; to the Committee on the Judiciary.

EC-3061. A communication from the White House Liaison, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Assistant Attorney General, Department of Justice, received on July 7, 2003; to the Committee on the Judiciary.

EC-3062. A communication from the White House Liaison, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, Drug Enforcement Administration, received on July 7, 2003; to the Committee on the Judiciary.

EC-3063. A communication from the White House Liaison, transmitting, pursuant to