

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 306—DESIGNATING MARCH 2, 2004, AS “READ ACROSS AMERICA DAY”

Ms. COLLINS (for herself and Mr. REED) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 306

Whereas reading is a basic requirement for quality education and professional success, and source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107-110) and the new Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and additional resources for reading assistance; and

Whereas more than 40 national associations concerned about reading and education have joined with the National Education Association to use March 2, the anniversary of the birth of Theodor Geisel, also known as Dr. Seuss, to celebrate reading: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates March 2, 2004, as “Read Across America Day”;

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of Dr. Seuss and in celebration of reading; and

(4) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

## TEXT OF AMENDMENTS

**SA 2631.** Mr. LEVIN proposed an amendment to the bill S. 1805, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others; as follows:

On page 11, after line 19, add the following:  
**SEC. 5. GROSS NEGLIGENCE OR RECKLESS CONDUCT.**

(a) IN GENERAL.—None of the provisions in the Act shall be construed to prohibit a civil liability action from being brought or continued against a person if that person’s own gross negligence or reckless conduct was a proximate cause of death or injury.

(b) DEFINITIONS.—As used in this section—

(1) the term “gross negligence” has the meaning given the term in subsection (b)(7) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(7)); and

(2) the term “reckless” has the meaning given the term in the application notes under section 2A1.4 of the Federal Sentencing Guidelines Manual.

**SA 2632.** Mr. LAUTENBERG proposed an amendment to the bill S. 1805, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others; as follows:

At the appropriate place, insert the following:

**SEC. . AMENDMENTS TO BRADY HANDGUN VIOLENCE PREVENTION ACT.**

(a) SHORT TITLE.—This section may be cited as the “Terrorist Apprehension Act”.

(b) AMENDMENTS.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) in subsection (i), by striking “No department” and inserting “Except as provided in subsection (j), no department”;

(2) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(3) by inserting after subsection (i) the following:

“(j) TERRORIST APPREHENSION.—

“(1) INITIAL NOTIFICATION.—If the system established under this section determines that a prospective transferee is listed in the Violent Gang and Terrorist Organization file or a similar terrorist watch list, regardless of the eligibility of such person to purchase a firearm, the system shall provide this information to the employee at the Criminal Justice Information Services Division of the Federal Bureau of Investigation that is accessing the national instant criminal background check system (referred to in this subsection as the ‘NICS operator’).

“(2) NOTIFICATION OF LAW ENFORCEMENT.—Upon receiving information under paragraph (1), the NICS operator shall immediately provide the Federal Bureau of Investigation, the Department of Homeland Security, the terrorist task force, and State and local law enforcement in the jurisdiction in which the firearm purchase is being attempted with—

“(A) the name, date of birth, and any other identifying information reported by the prospective transferee;

“(B) the time and place of the attempted firearm purchase; and

“(C) the type of weapon, if known, that the prospective transferee attempted to purchase.

“(3) NOTIFICATION OF ORIGINATING AGENCY.—In addition to the notifications under paragraph (2), the NICS operator shall immediately provide the agency that placed the name of the suspected terrorist on the terrorist watch list with the information described in subparagraphs (A) through (C) of paragraph (2).”.

**SA 2633.** Mr. LAUTENBERG proposed an amendment to the bill S. 1805, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others; as follows:

On page 9, between lines 2 and 3, insert the following:

“(vi) any action involving injury to children.”.

## 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 No. 555, and all nominations on the Secretary’s desk.

I further ask unanimous consent that the above listed nominations be confirmed, the motions to reconsider be laid upon the table, the President be

notified of the Senate’s action, and the Senate return to legislative session.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

## IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brig. Gen Douglas V. O’Dell, Jr.

## NOMINATIONS PLACED ON THE SECRETARY’S DESK

## IN THE AIR FORCE

PN1046 Air Force nominations (21) beginning MICHEL L. BUNNING, and ending DEBRA M. NIEMEYER, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2003.

PN1052 Air Force nominations (1277) beginning RAAAN R. AALGAARD, and ending STEVEN R. ZWICKER, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2003.

PN1276 Air Force nominations of Lindsey O. Graham, which was received by the Senate and appeared in the Congressional Record of January 28, 2004.

PN1277 Air Force nominations (7) beginning DONALD L. BUEGE, and ending SAMUEL R. WEINSTEIN, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2004.

PN1278 Air Force nominations (7) beginning ALAN C. DICKERSON, and ending CAMILLE PHILLIPS, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2004.

PN1279 Air Force nominations (12) beginning WALTER F. BURGHARDT, JR., and ending PHILLIP Y. YOSHIMURA, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2004.

PN1280 Air Force nominations (22) beginning MONICA M. ALLISONCERUTI, and ending MARK J. YOST, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2004.

PN1281 Air Force nominations (25) beginning PATRICIA S. ANGELLAMB, and ending KATHLEEN L. ZYGOWICZ, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2004.

PN1284 Air Force nominations (21) beginning MICHAEL A. ALDAY, and ending DAVID J. SNELL, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2004.

PN1344 Air Force nominations of Virginia A. Schneider, which was received by the Senate and appeared in the Congressional Record of February 11, 2004.

PN1345 Air Force nominations (2) beginning PERRY L. AMERINE, and ending JAMES R. PATTERSON, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2004.

PN1346 Air Force nominations (5) beginning STEWART J. HAZEL, and ending WILLIAM W. POND, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2004.

PN1347 Air Force nominations (5) beginning WILLIAM E. ENRIGHT, JR., and ending MICHAEL F. VANHOOMISSEN, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2004.

PN1348 Air Force nomination of Collen B. Hough, which was received by the Senate

and appeared in the Congressional Record of February 11, 2004.

PN1349 Air Force nominations (37) beginning NORMA L. ALLGOOD, and ending MATTHEW P. \*WICKLUND, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2004.

PN1350 Air Force nominations (33) beginning RICHARD C. BATZER, and ending RICHARD I. VANCE, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2004.

PN1351 Air Force nominations (56) beginning JOHN A. ALEXANDER, and ending JOHN A. WISNIEWSKI, JR., which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2004.

PN1352 Air Force nomination (119) beginning TODD B. \*ABEL, and ending GIANNA R. ZEH, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2004.

PN1353 Air Force nominations (17) beginning DOUGLAS P. \*BETHONEY, and ending DOUGLAS E. \*THOMAS, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2004.

PN1354 Air Force nominations (370) beginning ADAM M. ANDERSON, and ending DAVID J. ZOLLINGER, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2004.

PN1355 Air Force nominations (43) beginning MARY J. BARNES, and ending KARYN E. YOUNGCARIGNAN, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2004.

#### IN THE ARMY

PN1282 Army nomination of Edward M. Willis, which was received by the Senate and appeared in the Congressional Record of January 28, 2004.

PN1299 Army nominations (34) beginning JAMES R. AGAR, II, and ending NOEL L. WOODWARD, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2004.

PN1322 Army nominations (56) beginning JEREMY A. BALL, and ending MICHAEL C. \*WONG, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2004.

PN1356 Army nominations (2) beginning DAVID H. FORDEN, and ending GERALD E. STONE, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2004.

#### IN THE MARINE CORPS

PN1300 Marine Corps nominations (6) beginning RANDY M. ADAIR, and ending ANDREW N. SULLIVAN, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2004.

PN1301 Marine Corps nominations (4) beginning JOSE GONZALEZ, and ending JEFFREY G. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2004.

PN1302 Marine Corps nominations (4) beginning EDWIN N. LLANTOS, and ending MATTHEW E. SUTTON, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2004.

PN1303 Marine Corps nominations (3) beginning THOMAS E. BLAKE, and ending JAMES A. GRIFFITHS, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2004.

PN1304 Marine Corps nominations (3) beginning GERALD A. CUMMINGS, and ending JOHN M. MCKEON, which nominations were

received by the Senate and appeared in the Congressional Record of February 2, 2004.

PN1305 Marine Corps nomination of Paul J. Smith, which was received by the Senate and appeared in the Congressional Record of February 2, 2004.

PN1306 Marine Corps nominations (2) beginning RICHARD D. BEDFORD, and ending JAMES D. MCCOY, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2004.

PN1307 Marine Corps nominations (4) beginning SAMUEL E. DAVIS, and ending DAVID H. STEPHENS, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2004.

PN1308 Marine Corps nomination of Donald L. Bohannon, which was received by the Senate and appeared in the Congressional Record of February 2, 2004.

PN1309 Marine Corps nominations (7) beginning PETER D. CHARBONEAU, and ending JOHN A. TANINECZ, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2004.

PN1310 Marine Corps nominations (11) beginning JOHN M. BISHOP, and ending JEFFREY W. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2004.

PN1323 Marine Corps nominations (2) beginning BALWINDAR K. RAWALAYVANDEVOORT, and ending TROY A. TYRE, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2004.

PN1357 Marine Corps nomination of Steve E. Howell, which was received by the Senate and appeared in the Congressional Record of February 11, 2004.

PN1358 Marine Corps nomination Richard K. Rohr, which was received by the Senate and appeared in the Congressional Record of February 11, 2004.

PN1360 Marine Corps nomination of William E. Hidle, which was received by the Senate and appeared in the Congressional Record of February 11, 2004.

PN1362 Marine Corps nominations (4) beginning RONALD W. COCHRAN, and ending PAUL J. MINER, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2004.

PN1363 Marine Corps nomination of Todd P. Ohman, which was received by the Senate and appeared in the Congressional Record of February 11, 2004.

PN1364 Marine Corps nominations (3) beginning MICHAEL E. BEAN, and ending WALTON S. PITCHFORD, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2004.

#### LEGISLATIVE SESSION

The PRESIDENT pro tempore. Under the previous order, the Senate will return to legislative session.

#### MEASURE PLACED ON THE CALENDAR—S. 2137

Mr. FRIST. Mr. President, I understand that S. 2137 is at the desk and is due for a second reading.

The PRESIDENT pro tempore. The clerk will read the title of the bill for a second time.

The assistant legislative clerk read as follows:

A bill (S. 2137) to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes.

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

The PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

#### DISCHARGE AND REFERRAL OF H.R. 2584

Mr. FRIST. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 2584, and that the bill then be referred to the Commerce Committee.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

#### THE SENATE THIS WEEK

Mr. FRIST. Mr. President, we will be wrapping up very shortly for the week. Because it has been a very busy week, I would like to run through the progress that has been made. We have proceeded in step-wise fashion and advanced the business of this body in a very thoughtful way. We started the week hoping to consider the OB/GYN medical liability bill, aptly entitled "Healthy Mothers and Healthy Babies Access Care Act." We debated the issue on Monday and Tuesday but, unfortunately, were prevented from formally going to the bill. A cloture motion was filed on the motion to proceed.

I also want to thank our colleagues, Senator ENSIGN and Senator GREGG, for their real leadership on this particular issue. As we closed that debate, it was clear—as both sides stated—that we were going to have to come back and address the liability issues, and we will bring it back before the Senate again.

S. 1805, the gun manufacturers' liability bill, which is more formally called the Protection of Lawful Commerce in Arms Act, was then addressed, continues to be addressed through today. I commend our leader, Senator CRAIG, for his leadership.

We do plan on proceeding and having a final vote on this bill Tuesday. There was an objection to proceeding from the Democratic side of the aisle initially on that bill and thus we had to file, once again, a cloture motion. We prevailed on that cloture motion to proceed by a vote of 75 to 22, and thus we were able to get on the bill and debate the bill.

We were able to lock in the agreement limiting amendments to the gun liability bill, and during Thursday and Friday's session we have considered 16 amendments. We disposed of eight of those amendments, conducted six roll-call votes on Thursday. Under the agreement, we will pass the legislation on Tuesday. The House passed their version of this bill April 19th of last year. I hope we will be able to proceed on a conference on this bipartisan legislation so we can reconcile the differences. Again, I understand there is an objection to proceeding to a conference from the other side of the aisle,