

In Grand Rapids, MI, a high school government class used Freedom of Information laws to expose flaws in the county's jury-selection system.

In Fulton, MO, a concerned citizen used State open-government laws—kissing cousins to FOI statutes—to force disclosure of town-council discussion about building a golf course at taxpayer expense.

In Washington, D.C., a woman used FOI laws to find out about the ownership of some drug-infested, abandoned buildings. The owner? The District of Columbia government!

The U.S. Department of Agriculture—as a result of an FOI request—revealed accounts of the mistreatment of circus elephants.

GUN SAFETY REPORT CARDS

Mr. LEVIN. Mr. President, earlier this month, the Brady Campaign to Prevent Gun Violence, united with the Million Mom March and the Nation's leading State-based gun violence prevention groups, published the annual gun safety report cards for every State in America. The report cards are the culmination of a comprehensive analysis of each State's gun safety laws.

The report cards rate each State on seven types of laws that protect children from gun violence. Extra credit and demerits are also assigned for other State gun laws. The Brady Campaign includes in its analysis such questions as: is it illegal for a child to possess a gun without supervision? Is it illegal to sell a gun to a child? Are gun owners held responsible for leaving loaded guns easily accessible to children? Are guns required to have child safety locks, loaded-chamber indicators and other childproof designs? Do cities and counties have authority to enact local gun laws? Are background checks required at gun shows? Is it legal to carry concealed handguns in public?

The report awarded 10 States with Sensible Safety Stars for protecting children from gun violence. Nine other States were sent to the "Time-Out Chair" for weakening State gun laws. Unfortunately, 31 States received grades of D or F in this year's report cards. Not surprisingly, according to the report, States receiving Ds and Fs tend to have child and teen firearm death rates that are higher than the national average. For example, the average firearms death rate of youth in the 8 States that received an F grade was 33 percent higher than the average firearms death rate for the 10 States that received an A or a B.

I applaud the efforts of the Brady Campaign to Prevent Gun Violence to keep the pressure on State and local legislators to enact sensible gun safety legislation, and I encourage my colleagues to review this report.

OBJECTION TO S. 1896 AND H.R. 1664

Mr. WYDEN. Mr. President, last November, I announced my intention to object to any unanimous consent request for the Senate to take up S. 1896,

the Tax Relief Extension Act, and H.R. 1664, the Armed Forces Tax Fairness Act. I did so because these bills were the only relevant amendable legislation expected to be taken up in the Senate before the need of the last session and, therefore, they provided the only opportunity to extend unemployment benefits before Federal unemployment benefits expired at the end of the year.

Oregon currently has the second highest unemployment rate in the Nation with an unemployment rate of 7.3 percent. Extension of unemployment benefits is critical for many Oregonians who have or will soon run out of unemployment.

In order to restore or continue benefits to unemployed workers in Oregon and many other States, I will be pushing for passage of S. 2006, the Emergency Unemployment Compensation Act. S. 2006 restores Federal unemployment benefits and reforms a "look back" rule that affects Oregon and other high unemployment States as part of the legislation.

Because there is now legislation before the Senate to restore Federal benefits for unemployed workers in Oregon and other States, I will no longer object to any unanimous consent request for the Senate to take up S. 1896 or H.R. 1664.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

One such crime occurred in Houston, TX, on January 26, 2002. Hugo Barajas was found dead from multiple gun shot wounds to the neck, arm and chest in a club that caters to the gay, lesbian, bisexual, and transgender community. Barajas, a man, was dressed as a woman at the time of the murder.

I believe that Government's first duty is to defend its citizens, to defend them against the harm that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

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 Ms. SNOWE (for herself, Mr. WYDEN, and Mrs. FEINSTEIN):

S. 2053. A bill to reduce the costs of prescription drugs for medicare beneficiaries, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON:

S. 2054. A bill to require the Federal forfeiture funds be used, in part, to clean up methamphetamine laboratories; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 489

At the request of Mr. DEWINE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 489, a bill to expand certain preferential trade treatment for Haiti.

S. 1946

At the request of Mr. CORZINE, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1946, a bill to establish an independent national commission to examine and evaluate the collection, analysis, reporting, use, and dissemination of intelligence related to Iraq and Operation Iraqi Freedom.

S. 1993

At the request of Mr. WARNER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1993, a bill to amend title 23, United States Code, to provide a highway safety improvement program that includes incentives to States to enact primary safety belt laws.

S. 2007

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2007, a bill to provide better protection against bovine spongiform encephalopathy and other prion diseases.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2272. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2272. Mr. LEAHY submitted an amendment intended to be proposed by

him to the bill S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 880, between the item following line 6 and line 7, insert the following:

SEC. 16. AIR QUALITY CAPACITY BUILDING INITIATIVE.

Section 104 of title 23, United States Code (as amended by section 1607(b)), is amended by adding at the end the following:

“(O) AIR QUALITY CAPACITY BUILDING INITIATIVE.—

“(1) IN GENERAL.—The Secretary, acting through the Administrator of the Federal Highway Administration and the Administrator of the Federal Transit Administration and in consultation with the Administrator of the Environmental Protection Agency, shall establish an air quality capacity building initiative to support State, regional, and local governments in—

“(A) assisting air quality regions in developing the technical capacity to perform air quality conformity analysis;

“(B) providing training in areas such as modeling and data collection to support air quality planning and analysis;

“(C) developing materials to explain air quality issues to decisionmakers and the public; and

“(D) carrying out other activities necessary to assist State, regional, and local governments in better achieving clean air requirements.

“(2) USE OF FUNDS.—

“(A) IN GENERAL.—Funds authorized to be appropriated to carry out this subsection may be used for—

“(i) research;

“(ii) program development;

“(iii) information collection and dissemination;

“(iv) technical assistance; and

“(v) training.

“(B) COOPERATION.—To carry out this subsection, the Secretary may—

“(i) use funds under this section independently; or

“(ii) make grants to, enter into contracts or cooperative agreements with, and carry out other transactions involving—

“(I) Federal, State, and local agencies;

“(II) federally-recognized Indian tribal governments and tribal consortia, authorities, associations, and nonprofit and for-profit corporations; or

“(III) institutions of higher education.

“(3) FUNDING.—

“(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$20,000,000 for the period of fiscal years 2004 through 2009, to remain available until expended.

“(B) FEDERAL SHARE.—The Federal share of the cost of a project or activity carried out using funds made available under subparagraph (A) shall not exceed 100 percent.”.

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. 546 through 552, and all nominations on the Secretary's desk.

These are military promotions reported by the Armed Services Committee on Wednesday. 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:

IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. George T. Lynn

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Richard W. Ash
Brigadier General Russell C. Axtell
Brigadier General John W. Clark
Brigadier General Roger E. Combs
Brigadier General Thomas G. Cutler
Brigadier General Gerald E. Harmon
Brigadier General David K. Harris
Brigadier General George B. Patrick, III
Brigadier General Fred R. Sloan

To be brigadier general

Colonel Craig E. Campbell
Colonel George N. Clark, Jr.
Colonel Robert M. Cockey
Colonel William R. Cotney
Colonel Norman L. Elliott
Colonel Michael L. Harden
Colonel Robert D. Ireton
Colonel Emil Lassen, III
Colonel Thaddeus J. Martin
Colonel Robert B. Newman
Colonel William P. Robinson, Jr.
Colonel Raymond L. Webster

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Robert E. Duignan
Brigadier General Michael K. Lynch
Brigadier General Keith W. Meurlin
Brigadier General Mark A. Pillar
Brigadier General Richard D. Roth
Brigadier General Peter K. Sullivan
Brigadier General Floyd C. Williams

To be brigadier general

Colonel Robert B. Bartlett
Colonel Edward F. Crowell
Colonel Anita R. Gallentine
Colonel Stephen P. Gross
Colonel Elaine L. Knight
Colonel Charles L. O'Toole, Jr.
Colonel Frank J. Padilla
Colonel Loren S. Perlstein
Colonel Charles E. Reed, Jr.
Colonel Neil A. Rohan
Colonel James T. Rubeor
Colonel Richard R. Severson
Colonel Michael N. Wilson

IN THE ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Lloyd J. Austin, III
Brigadier General Martin E. Dempsey
Brigadier General Barbara G. Fast

The following named officers for appointment in the Reserve of the Army to the

grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Conrad W. Ponder, Jr.

To be brigadier general

Col. George J. Smith

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. (Selectee) Albert M. Calland, III

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. James D. McArthur, Jr.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1240 Air Force nomination of Vincent T. Jones, which was received by the Senate and appeared in the Congressional Record of January 22, 2004.

PN1241 Air Force nomination of Richard H. Villa, which was received by the Senate and appeared in the Congressional Record of January 22, 2004.

PN1242 Air Force nominations (7) beginning Robert J. Bernard, and ending Oba L. Vincent, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 2004.

PN1243 Air Force nomination of Harris H. Brooks, which was received by the Senate and appeared in the Congressional Record of January 22, 2004.

PN1244 Air Force nominations (7) beginning Paula C. Gould, and ending John J. Winkopp III, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 2004.

PN1245 Air Force nominations (203) beginning Jeffrey S. Alderfer, and ending Sandra L. Yope, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 2004.

IN THE ARMY

PN1181 Army nominations (79) beginning Constance A. Bell, and ending Yang Xia, which nominations were received by the Senate and appeared in the Congressional Record of November 25, 2003.

PN1226 Army nomination of Margot Krauss, which was received by the Senate and appeared in the Congressional Record of January 21, 2004.

PN1227 Army nominations (20) beginning Mark S. Ackerman, and ending Richard M. Whitaker, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 2004.

PN1228 Army nomination of Timothy G. Wright, which was received by the Senate and appeared in the Congressional Record of January 21, 2004.

PN1229 Army nominations (6) beginning Ida F. Agamy, and ending Kary B. Reed, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 2004.

PN1230 Army nomination of David J. King, Jr., which was received by the Senate and appeared in the Congressional Record of January 21, 2004.

PN1231 Army nominations (2) beginning Michael G. Gray, and ending Paul M. Saltysiak, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 2004.