

“(2) REQUIREMENTS.—The regulations under paragraph (1) shall require that a certification filed under this chapter contain—

“(A) a certification by the physician performing the abortion, under threat of criminal prosecution under section 1746 of title 28 that, in his or her best medical judgment, the abortion performed was medically necessary pursuant to this chapter;

“(B) a description by the physician of the medical indications supporting his or her judgment;

“(C) a certification by an independent physician pursuant to section 1531(a)(2), under threat of criminal prosecution under section 1746 of title 28, that, in his or her best medical judgment, the abortion performed was medically necessary pursuant to this chapter; and

“(D) a certification by the physician performing an abortion under a medical emergency pursuant to section 1531(c), under threat of criminal prosecution under section 1746 of title 28, that, in his or her best medical judgment, a medical emergency existed, and the specific medical condition upon which the physician based his or her decision.

“(3) CONFIDENTIALITY.—The Secretary of Health and Human Services shall promulgate regulations to ensure that the identity of a mother described in section 1531(a)(1) is kept confidential, with respect to a certification filed by a physician under this chapter.

“(b) STATE REGULATIONS.—A State, and the medical licensing authority of the State, shall develop regulations and procedures for the revocation or suspension of the medical license of a physician upon a finding under section 1532 that the physician has violated a provision of this chapter. A State that fails to implement such procedures shall be subject to loss of funding under title XIX of the Social Security Act.

#### “§ 1534. State Law.

“(a) IN GENERAL.—The requirements of this chapter shall not apply with respect to postviability abortions in a State if there is a State law in effect in that State that regulates, restricts, or prohibits such abortions to the extent permitted by the Constitution of the United States.

“(b) DEFINITION.—In subsection (a), the term ‘State law’ means all laws, decisions, rules, or regulations of any State, or any other State action, having the effect of law.

#### “§ 1535. Definitions.

“In this chapter:

“(1) GRIEVOUS INJURY.—

“(A) IN GENERAL.—The term ‘grievous injury’ means—

“(i) a severely debilitating disease or impairment specifically caused or exacerbated by the pregnancy; or

“(ii) an inability to provide necessary treatment for a life-threatening condition.

“(B) LIMITATION.—The term ‘grievous injury’ does not include any condition that is not medically diagnosable or any condition for which termination of the pregnancy is not medically indicated.

“(2) PHYSICIAN.—The term ‘physician’ means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions, except that any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs an abortion in violation of section 1531 shall be subject to the provisions of this chapter.”

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

“74. Ban on certain abortions ..... 1531.”

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Tuesday, March 11 at 10:00 a.m. to receive testimony regarding Federal Programs for energy efficiency, and conservation.

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

#### COMMITTEE ON FINANCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, March 11, 2003, at 10:00 a.m., to hear testimony on The Funding Challenge: Keeping Defined Benefit Pension Plans Afloat.

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

#### COMMITTEE ON FOREIGN RELATIONS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 11, 2003 at 9:30 a.m. to hold a hearing on Iraq: Reconstruction,

#### Agenda

#### Witnesses

Panel 1: Mr. Eric Schwartz, Senior Fellow and Director, Independent Task Force on Post-Conflict Iraq, Council on Foreign Relations, Washington, DC; Dr. Gordon Adams, Director, Security Policy Studies Program; Elliott School of International Affairs, The George Washington University, Washington, DC; Ms. Sandra Mitchell, Vice President, Government Relations, International Rescue Committee, Washington, DC; Dr. Phebe Marr, Former Senior Fellow, National Defense University, Washington, DC.

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

#### COMMITTEE ON INDIAN AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, March 11, 2003, at 2:30 p.m. in Room 485 of the Russell Senate Office Building to consider the Committee's Views and Estimates on the President's FY 2004 Budget Request for Indian Programs.

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

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 11, 2003 at 2:30 p.m. to hold a closed hearing.

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

#### SPECIAL COMMITTEE ON AGING

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Spe-

cial Committee on Aging be authorized to meet on Tuesday, March 11, 2003 from 10 a.m. to 12 p.m. in Dirksen 628 for the purpose of conducting a hearing.

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

#### SELECT COMMITTEE ON AVIATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Select Committee on Commerce, Science, and Transportation, Subcommittee on Aviation, be authorized to meet on Tuesday, March 11, 2003 at 9:30 a.m., in SR-253, for a hearing on FAA Reauthorization: Air Service to small Communities.

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

#### SUBCOMMITTEE ON PERSONNEL

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 11, 2003 at 2:30 p.m., in open session to receive testimony on active and reserve military and civilian personnel programs in review of the defense authorization request for fiscal year 2004

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

Mr. SANTORUM. Mr. President, if I read real fast, I think I can get done by 9 o'clock, but I would not be a very popular person here with the pages who would have to go to school tomorrow morning if I do finish by 9 o'clock. So we will see what happens

### AUTHORIZING PRINTING OF RULES OF SENATE COMMITTEES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 80 which was submitted earlier today by Senator LOTT.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 80) to authorize the printing of a collection of the rules of the committees of the Senate.

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

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

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

The resolution (S. Res. 80) was agreed to, as follows:

#### S. RES. 80

*Resolved*, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 500 additional copies of such document for the use of the Committee on Rules and Administration.

UNANIMOUS CONSENT AGREE-  
MENT—REFERRAL OF NOMINA-  
TION

Mr. SANTORUM. Mr. President, I ask unanimous consent that when the nomination for the Assistant Secretary of the Army for Civil Works is received by the Senate, it be referred to the Committee on Armed Services; provided that when the Committee on Armed Services reports the nomination, it be referred to the Committee on Public Works for a period of 20 days of session; provided further that if the Committee on Public Works does not report the nomination within those 20 days, the committee be discharged from further consideration of the nomination and the nomination be placed on the calendar.

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

ORDERS FOR WEDNESDAY, MARCH  
12, 2003

Mr. SANTORUM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, March 12. I further ask unanimous consent that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of Calendar No. 19, S. 3, the partial-birth abortion bill, as provided under the previous order.

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

PROGRAM

Mr. SANTORUM. For the information of all Senators, on Wednesday, the Senate will resume consideration of the partial-birth abortion bill. Under the previous order, Senator BOXER will be recognized to offer a motion to commit. There will be up to 2 hours of debate equally divided. Following debate on the Boxer motion, the Senate will resume debate on the Durbin amendment. At the conclusion of those debate times, the Senate will proceed to consecutive votes in relation to those two pending amendments. Votes will occur at approximately 12:30, if all debate time is used. Additional votes can be expected throughout the day in an effort to complete the bill tomorrow.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. SANTORUM. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:02 p.m., adjourned until Wednesday, March 12, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 11, 2003:

FARM CREDIT ADMINISTRATION

LOWELL JUNKINS, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION. (REAPPOINTMENT)

GLEN KLIPPENSTEIN, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION, VICE MARILYN FAE PETERS.

JULIA BARTLING, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION, VICE EUGENE BRANSTOOL.

DEPARTMENT OF STATE

RALPH FRANK, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CROATIA.

WILLIAM M. BELLAMY, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KENYA.

AFRICAN DEVELOPMENT FOUNDATION

JOHN W. LESLIE, JR., OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2007, VICE ERNEST G. GREEN, TERM EXPIRED.

FEDERAL MINE SAFETY AND HEALTH REVIEW  
COMMISSION

MARY LUCILLE JORDAN, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2008. (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

RAUL DAVID BEJARANO, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE STEPHEN SIMPSON GREGG.

DEPARTMENT OF HOMELAND SECURITY

EDUARDO AGUIRRE, JR., OF TEXAS, TO BE DIRECTOR OF THE BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION)

CORPORATION FOR PUBLIC BROADCASTING

ELIZABETH COURTNEY, OF LOUISIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 31, 2004, VICE DIANE D. BLAIR.

IN THE COAST GUARD

UNDER SECTION 211, TITLE 14, U. S. CODE, THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED:

*To be lieutenant commander*

JOHN P. NOLAN, 0000

UNDER SECTION 211, TITLE 14, U. S. CODE, THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED:

*To be lieutenant*

CHRISTY L. HOWARD, 0000

UNDER SECTION 211, TITLE 14, U.S. CODE, THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD:

*To be lieutenant commander*

BRUCE E GRAHAM, 0000  
JOHN W GREEN, 0000

*To be lieutenant*

JEFFREY L AHLGREN, 0000  
BRADFORD E APITZ, 0000  
PAUL D ARNETT, 0000  
LORI J BARD, 0000  
ABBY S BENSON, 0000  
RONALD E BRAHM, 0000  
ROQUE DANAS, 0000  
CARMEN S DEGEORGE, 0000  
REBECCA A DREW, 0000  
LONNIE J EVANS, 0000  
JAMES T FLANNERY, 0000  
FRANK L FLOOD, 0000  
GENE G GONZALES, 0000  
MARK A GRABOSKI, 0000  
JOANNE N HANSON, 0000  
MICHAEL L HERSHBERGER, 0000  
TEDD B HUTLEY, 0000  
JERALD R JARVI, 0000  
RANDY J JENKINS, 0000  
JOSEPH W KLATT, 0000  
ROBERT K KORNEXL, 0000  
AMY E KOVAC, 0000  
PERRY J KREMER, 0000  
KATHRYN A KULAGA, 0000  
KEITH H LAPLANT, 0000  
TIMOTHY J LIST, 0000  
RANDY L LITTLE, 0000  
MICHAEL C LUNASIN, 0000  
LUIS E MARTINEZ, 0000

PAUL S MCCONNELL, 0000  
WILLIAM A NABACH, 0000  
GARY R NAUS, 0000  
LAWRENCE J NORRIS, 0000  
SUZANNE C B OLGUIN, 0000  
ROBERT M PEKARI, 0000  
MARK E PESNELL, 0000  
MICHAEL R PIERNO, 0000  
RONALD P POOLE, 0000  
KENNETH U POTOLICCHIO, 0000  
LEE S PUTNAM, 0000  
TIMOTHY M RAYCOB, 0000  
JOHN A SMITH, 0000  
KYLE J SMITH, 0000  
JAMES W SUMMERLIN, 0000  
DEREK R THORSRUD, 0000  
JASON E TIEMAN, 0000  
KIETH M UTLEY, 0000  
JAMES D WEAVER, 0000  
ERIC A WESCOTT, 0000  
MATTHEW T WELLER, 0000  
GARY S WILLIAMS, 0000  
CHARLES T WRIGHT, 0000  
MICHAEL E YENSZ, 0000

*To be lieutenant junior grade*

ERIC C ALLEN, 0000  
TOUSSAINT K ALSTON, 0000  
MICHAEL J ANDERSON, 0000  
RICHARD A ANGELET, 0000  
DAVID E ARAGON, 0000  
KYLE S ARMSTRONG, 0000  
KYLE T ARNETT, 0000  
DOUGLAS G ATKINS, 0000  
STEPHEN D AXLEY, 0000  
PATRICK T BACHER, 0000  
MARK A BAFETTT, 0000  
BRANDI A BALDWIN, 0000  
SCOTT D BARANOWSKI, 0000  
WILLIAM M BASHWINGER, 0000  
CLAYTON R BEAL, 0000  
JAMES A BINNIKER, 0000  
LAURA E BOSWELL, 0000  
JOHN M BOTDORF, 0000  
WILLIAM C BRENT, 0000  
CURTIS G BROWN, 0000  
CHANING D BURGESS, 0000  
PATRICK C BURKETT, 0000  
DERREK W BURRUS, 0000  
CONRADO R CABANTAC, 0000  
TIMOTHY F CALLISTER, 0000  
MARK CALTAGIRONE, 0000  
ROBERT W CARROLL, 0000  
JOHN D CASHMAN, 0000  
STEVEN E CERVENY, 0000  
JOHN V CHANG, 0000  
THOMAS P CLOHERTY, 0000  
MEGAN L CULL, 0000  
ELAINA R DAVIS, 0000  
BRIAN D DEMIO, 0000  
AARON W DEMO, 0000  
MATTHEW J DENNING, 0000  
DANIEL T DEUTERMANN, 0000  
ADRIAN DIAZ, 0000  
DONALD G DOUGAN, 0000  
JOHN F DRUELLE, 0000  
DANIEL D DUMAS, 0000  
GREGORY A DUNCAN, 0000  
BRIAN J ECKLEY, 0000  
JOHN A ELY, 0000  
THOMAS C EVANS, 0000  
PETER M EVONUK, 0000  
WILLIAM D FIELD, 0000  
JAMES T FOGLE, 0000  
STEVEN P FORAN, 0000  
JOSHUA M FULCHER, 0000  
MARIANNE M GELAKOSKA, 0000  
SHAWN T GERAGHTY, 0000  
SHANNON B GIAMMANCO, 0000  
RANDY L GIEBEN, 0000  
MATTHEW S GINGRICH, 0000  
MARK P GLANCY, 0000  
JEFFREY M GLASS, 0000  
SHIELDS R GORE, 0000  
ANDREW C GORMAN, 0000  
MARCELLA A GRANQUIST, 0000  
SEAN W GREN, 0000  
ROBERT P GRIFFITHS, 0000  
JAMES J HARKINS, 0000  
WENDY L HART, 0000  
JEFF S HENDERSON, 0000  
JOHN G HENIGHAN, 0000  
JAMES S HERALD, 0000  
ROLANDO HERNANDEZ, 0000  
CHAD B HOLM, 0000  
MICHAEL T HOLMES, 0000  
ASHLEY R HOLT, 0000  
MICHAEL J HOSEY, 0000  
CHRISTOPHER M HOWARD, 0000  
JEFFERY S HOWARD, 0000  
THOMAS A HOWELL, 0000  
APRIL A ISLEY, 0000  
EDWARD V JACKSON, 0000  
MICHAEL S JACKSON, 0000  
JAMES L JARNAC, 0000  
DARWIN A JENSEN, 0000  
JASON J JESSUP, 0000  
GEOFFREY W JOHANNESSEN, 0000  
SANCHO V JOHNSON, 0000  
ERIC J JONES, 0000  
DEAN E JORDAN, 0000