

vote to be unanimously in support, as well.

Senator FEINSTEIN also deserves much credit for working so hard to create these additional judgeships in the Department of Justice authorization we passed in 2002. These judgeships are among those we created for border districts that have a massive caseload and that needed more federal judges. We did what the Republican majority refused to do in the years 1995 through 2000 when there was a Democratic President, namely, create additional needed judgeships for the Southern District of California. We did so under Senate Democratic leadership with a Republican President. They have been available to be filled since July 15.

The Judiciary Committee held hearings of Magistrate Judge Burns and others just before the August recess and they were unanimously reported by the Judiciary Committee at our first meeting on September 4. That was three weeks ago. In addition to the nomination of Dana Makoto Sabraw, which is already favorably reported and on the Senate executive calendar awaiting action, two more nominees to two additional vacancies recently created for the Southern District of California should be considered and reported by the Judiciary Committee tomorrow.

I congratulate the California Senators on their outstanding work and this nominee and his family on this confirmation.

Mrs. BOXER. I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Larry Alan Burns, of California, to be United States District Judge for the Southern District of California? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. GREGG), the Senator from Oklahoma (Mr. INHOFE), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from New Hampshire (Mr. SUNUNU) are necessarily absent.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 363 Ex.]

YEAS—91

Akaka	Dayton	Lugar
Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Mikulski
Baucus	Dorgan	Miller
Bayh	Durbin	Murkowski
Bennett	Ensign	Murray
Biden	Enzi	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Bond	Feinstein	Nickles
Boxer	Fitzgerald	Pryor
Breaux	Frist	Reed
Brownback	Graham (SC)	Reid
Bunning	Grassley	Roberts
Burns	Hagel	Rockefeller
Byrd	Harkin	Santorum
Campbell	Hatch	Sarbanes
Cantwell	Hollings	Schumer
Carper	Hutchison	Sessions
Chafee	Inouye	Shelby
Chambliss	Jeffords	Smith
Clinton	Johnson	Snowe
Cochran	Kennedy	Stabenow
Coleman	Kohl	Stevens
Collins	Kyl	Talent
Conrad	Landrieu	Thomas
Cornyn	Lautenberg	Voinovich
Corzine	Leahy	Warner
Craig	Levin	Wyden
Crapo	Lincoln	
Daschle	Lott	

NOT VOTING—9

Dodd	Gregg	Lieberman
Edwards	Inhofe	Specter
Graham (FL)	Kerry	Sununu

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action.

#### LEGISLATIVE SESSION

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

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2004—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report the conference report to accompany H.R. 2657.

The assistant legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The Senate proceeded to consider the conference report.

(The Conference report is printed in the House proceedings of the RECORD of September 18, 2003.)

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Madam President, I am pleased to present the conference report to accompany the legislative branch fiscal year 2004 appropriations.

I thank Senator DURBIN and his staff for all their help and hard work. He was certainly cooperative in this process. I also thank Chairman STEVENS, chairman of the full Appropriations Committee, who has been extremely helpful in getting the conference report to the Senate.

The legislative branch bill totals \$3.549 billion, just 2.5 percent of the fiscal year 2003 level. Highlights of the bill include funding of \$220 million for the Capitol Police for a total of 1,592 police officers. In addition, the police would have authority to hire 75 civilian personnel to improve administrative operations and move about 30 officers from desk jobs to field jobs.

Funding is included for a mounted horse unit which will provide enumerable benefits for the police department. I understand they are working out an agreement with the Park Service to house the horses with the Park Service horses.

The bill also includes language that will move forward the merger of the Library of Congress police force with the U.S. Capitol Police to improve the security of the entire Capitol complex.

The Architect of the Capitol: Funds total \$405 million, which includes \$47.8 million for the Capitol Visitors Center so we can finally move forward and fill up that big hole that is outside our front door. The Visitors Center project funding is partially offset by using unobligated prior year funds.

The Library of Congress: Funds total \$528 million for the library with funding going to such important programs as the veterans history project and the audio-visual conservation center being built in Culpeper.

The Open World Program is funded at \$13.5 million. This program has been very successful in showing firsthand democracy and how we lead a country in democratic institutions to emerging Russian leaders and has been expanded to include certain countries of the former Soviet Union.

Funds are also included for the General Accounting Office, the Congressional Budget Office, and the Government Printing Office, as well as the House and Senate.

The supplemental appropriations portion totals \$937.6 million in title III of this bill for the emergency supplemental items, such as additional funding for FEMA, which has been doing such a terrific job facing the number of natural catastrophes we have had in America this last year.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I am happy to have worked with Senator CAMPBELL of Colorado on this fiscal year 2004 legislative branch appropriations bill. It is a good and fair bill. Considering our limited resources, I think it accomplishes many objectives.

The bill totals \$3.547 billion, which is \$27 million below the Senate and \$36 million above the House. The Senate portion totals \$717 million.

The Capitol Police funding totals \$220 million. The Architect of the Capitol funding is \$405 million, including \$47.8 million for the Capitol Visitors Center. The funding for the tunnel from the new Capitol Visitors Center to the Library of Congress is capped at \$10 million. This is pursuant to an amendment offered by a conferee, Congressman DAVID OBEY of Wisconsin.

The Library of Congress total funding is \$528 million. The Open World Leadership Center is funded at \$13.5 million. I am especially happy to see the Visitors Center fully funded. This was quite a challenge for Congress but well worth the effort. Beyond everything else this center has to offer, security remains the top benefit.

Many of us can still recall vividly September 11, 2001, when in the early morning hours we were forced to evacuate the Capitol for fear that this building, this symbol of our great country, was under attack. We learned later from some of the sources available to us that the plane that was brought down by the heroic passengers in Pennsylvania was destined to crash into the U.S. Capitol Building, undoubtedly resulting in a lot of innocent people dying. The heroism of the passengers and crew on that United Airlines plane saved our lives, and we are forever grateful to them and their families for their extraordinary feats of bravery.

I can recall that day, going down the steps of the Senate onto the lawn, and standing there with thousands of people who didn't know which way to turn. Elderly tourists came up to me and said: "Where are we supposed to go, do you know?" The obvious answer was that there was no place to go. You could hardly direct those people or the visitors and staff and Members working in this Capitol Building to a safe location.

At the time, it was my honor to serve as chairman of the Legislative Appropriations Subcommittee, and I felt at that moment that I had to do whatever I could to accelerate the conversation leading to the construction of the Capitol Visitors Center—a place clearly to be designed for security and designed to accommodate the needs of the growing responsibilities of the U.S. Capitol.

I am happy to report that President Bush agreed and the leaders in Congress came to a similar agreement. And if anyone has visited Washington since then, they know we have a massive excavation taking place outside the Capitol Building, which, over time—a reasonable period of time—will be filled with an extraordinary engineering feat, a Capitol Visitors Center, which will give us security and a lot of the space we dearly need to serve the people of the country.

I am glad that this appropriations bill, among others, appropriates some

\$48 million for that purpose. It makes certain we are going to maintain our responsibility in seeing this through to its completion. We simply cannot afford to put the security of those who visit the Capitol and those who work here in jeopardy. Having been here on September 11, 2001, seeing so many people at a loss as to where to turn for safety, I understand we are going to give them the answer—the very best answer—when it comes to security when they visit one of the most well-known and important buildings in our entire Nation. This project deserves to go forward as planned, and it will when this conference report is adopted for this legislative branch appropriation.

I also wish to say a few words about the Capitol Police. After September 11, we spent a lot of time acknowledging the overtime and extraordinary courage of these men and women who protect us every single day. They had to change their family lives, their personal lives, and make a career commitment to all of us who work here, and they did it. We can never thank them enough for all they have done. Since then, we have tried to increase staffing as necessary and make certain that those who were hired—men and women—met the highest standards of all who have served before them. I am happy to say that funding for the Capitol Police totals \$220 million.

The key differences from the bill we passed include no additional hires of sworn officers until they have a final strategic plan. One of the other things we do, though, is really take an important step forward in integrating the security force of the Library of Congress with the Capitol Hill Police.

It is going to become, I hope, a seamless security force on Capitol Hill, and this is an important step forward.

We also provide for Library of Congress police officers to be hired by the Capitol Police and allow for their training by police officers in the Capitol Police Department.

We also make certain that several important projects at the Library of Congress are well funded: \$528 million for the Library of Congress. There are funds for "Adventures of the American Mind" totaling over \$8 million. From my personal experience, this has been a very successful project engaging the universities and colleges around the country and in my State of Illinois to discover what we have to offer at the Library of Congress. I encourage all who are following this debate to go to the Web site of the Library of Congress, and you will find an amazing array of opportunities for knowledge and information.

Mr. President, I am prepared to recommend to my colleagues when this conference report comes to the floor that they all vote favorably.

I thank Drew Willison, Nancy Olkewicz, and Pat Souders of my personal staff for their very hard work in helping prepare this legislative branch appropriations conference report. I

think it is a product well worthy of the support of all Senators of both political parties.

I am prepared to yield the floor to my colleague from Colorado, if he is prepared to say a few words on behalf of the conference report. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CAMPBELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. NICKLES. Mr. President, I take this opportunity to inform the members of this distinguished body about H.R. 2657, the legislative branch appropriations bill for FY 2004, as reported by the Senate Committee on Appropriations.

The pending bill provides \$3.5 billion in new budget authority and \$3.7 billion in new outlays for FY 2004 to fund the operations of the Senate and House of Representatives; the Architect of the Capitol; the U.S. Capitol Police; and the Library of Congress. With outlays from prior-years and other completed actions, the Senate bill totals \$3.6 billion in budget authority and \$3.8 billion in outlays.

For discretionary spending, which represents the bulk of the funding in this bill, the Senate bill is \$73 million below the subcommittee's 302(b) allocation for budget authority, and is at its 302(b) allocation for outlays. The Senate bill is \$312 million in BA and \$130 million in outlays below the President's budget request.

In addition to providing appropriations for FY 2004 for the legislative branch, the committee-reported bill contains various supplemental appropriations for FY 2003. The FY 2004 concurrent resolution on the budget, H. Con. Res. 95, established levels for FY 2003 and provided an allocation, pursuant to section 302(a) of the Congressional Budget Act of 1974, to the Committee on Appropriations for FY 2003 in the joint explanatory statement accompanying the resolution, see page 130 of H. Rept. 108-71.

As a point of information, I would like to call my colleagues' attention to section 302(c) of the Congressional Budget Act. Section 302(c) provides that it is not in order to consider a bill making appropriations for a fiscal year until the Committee on Appropriations has made the suballocations required by section 302. It appears that the Committee on Appropriations has yet to file 302(b) allocations for 2003. This point of order may be waived, or a ruling of the Chair appealed, with 60 votes.

With regard to the emergency 2003 supplemental funding, the conferees did not fund all elements of the President's request, they did not exceed the total amount of his request, as adjusted for the supplemental FEMA appropriations already enacted in July.

I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2657, LEGISLATIVE BRANCH APPROPRIATIONS, 2004:  
SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal year 2004, in millions of dollars]

	General purpose	Mandatory	Total
<b>Conference Report:</b>			
Budget authority .....	3,539	109	3,648
Outlays .....	3,737	109	3,846
<b>Senate 302(b) allocation:</b>			
Budget authority .....	3,612	109	3,721
Outlays .....	3,737	109	3,846
<b>2003 level:</b>			
Budget authority .....	3,620	104	3,724
Outlays .....	3,327	103	3,430
<b>President's request:</b>			
Budget authority .....	3,851	109	3,960
Outlays .....	3,867	109	3,976
<b>House-passed bill:</b>			
Budget authority .....	3,480	109	3,589
Outlays .....	3,599	109	3,708
<b>Senate-passed bill:</b>			
Budget authority .....	3,575	109	3,684
Outlays .....	3,689	109	3,798
<b>CONFERENCE REPORT COMPARED TO—</b>			
<b>Senate 302(b) allocation:</b>			
Budget authority .....	(73)		(73)
Outlays .....			
<b>2003 level:</b>			
Budget authority .....	(81)	5	(76)
Outlays .....	410	6	416
<b>President's request:</b>			
Budget authority .....	(312)		(312)
Outlays .....	(130)		(130)
<b>House-passed bill:</b>			
Budget authority .....	59		59
Outlays .....	138		138
<b>Senate-passed bill:</b>			
Budget authority .....	(36)		(36)
Outlays .....	48		48

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.  
Prepared by SBC Majority Staff, 9/24/2003.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that all time be yielded back.

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

Under the previous order, the conference report is agreed to and the motion to reconsider is laid upon the table.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

ORDERS FOR THURSDAY,  
SEPTEMBER 25, 2003

Mr. STEVENS. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, September 25. I further ask unanimous consent that following the prayer and 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 begin a period for morning business for 60 minutes, with the first 30 minutes under the control

of the minority leader or his designee, and the remaining 30 minutes under the control of Senator HUTCHISON or her designee; provided that following morning business the Senate then proceed to the consideration of the conference report to accompany H.R. 2658, the Defense appropriations bill.

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

PROGRAM

Mr. STEVENS. For the information of all Senators, tomorrow, following morning business the Senate will begin debate on the Defense appropriations conference report for 2004. We do not anticipate a great deal of debate on that important conference report prior to a vote on its adoption. In addition, the Senate will resume consideration of the DC appropriations bill. Senators therefore should expect rollcall votes throughout the day, and Members will be notified when the first vote is scheduled.

ORDER FOR ADJOURNMENT

Mr. STEVENS. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks to be offered by Senator PRYOR.

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

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

RATIFYING THE DO-NOT-CALL  
REGISTRY

Mr. PRYOR. Mr. President, I rise today to support legislation that would clearly allow the Federal Trade Commission to move forward with its national do-not-call registry. I have submitted an amendment to that effect, amendment No. 1786 to the DC appropriations bill, as well as cosponsored S. 1652, a bill to ratify the do-not-call registry provision of the telemarketing sales rule. As we have heard today, the U.S. District Court in Oklahoma issued a decision that the Federal Trade Commission lacked the authority to develop its national do-not-call list. The court ruled that, although Congress appropriated the funds to the FTC in order to have the program, it did not actually have the language necessary to authorize the establishment of the program and the implementation of the program.

Today, I rise in support of my proposal that would basically give the

Federal Trade Commission the clear authority and the statutory responsibility to establish a national do-not-call program. In addition, it affirms the finding that the Federal Trade Commission was authorized in the Telemarketing and Consumer Fraud and Abuse Prevention Act to implement and enforce the national do-not-call registry.

Last, it specifically ratifies the do-not-call registry provision of the FTC's telemarketing sales rule.

Before I was elected to this august body, I had the great privilege of being the attorney general of my State. I remember back in 1998 when I ran for attorney general of Arkansas, everywhere I would go, every little town I would go into, and every time I would talk to a group, whether it was veterans or whoever it happened to be, senior citizens or townspeople at large, they would tell me: Please, please, if you can do anything about telemarketers calling us at home and bothering us and trying to sell us something over the telephone, do it.

I was proud to do that. When I was elected to the office and began serving in January of 1999, the first thing I did was pull the staff together at the attorney general's office and write the State's do-not-call program. It was very different from the one the Federal Trade Commission came up with but both are equally good. They both get to the problem and I think can be very effective fighting against unwanted telephone calls.

Listen, we have all been there. We have all received those calls. We have all been eating dinner, trying to put our children down, trying to do homework, or watching our favorite TV show, whatever the situation might be, when we have been subjected to these unwanted calls. For most people it is an inconvenience. They don't like to be bothered. They want us to find a way to respect the integrity of the privacy of their own homes. After all, they are paying the phone bill; they are paying for the service. They should be able to have some control on the amount of calls coming in and to put a stop to these unwanted calls. Some of the phone companies actually offer a service that blocks calls from people who block their caller ID. That is another subject. That can be fairly expensive for some consumers. It's not always expensive.

The Federal Trade Commission came up with an idea to do this nationwide, to do it free, and to do it by use of toll-free numbers and Web sites allowing people to sign on. In fact, I signed on in the first week because one thing I noticed in Virginia is they do not have do-not-call laws, as far as I can tell, and we get bombarded in our home in Virginia. Unlike in Arkansas where we signed up for the AG's list and we may get one or two telemarketing calls a month, in Virginia we get 3 or 4 a day, and it seems they always try to call at an inopportune time.