

Alabama, who has been nominated to the Eleventh Circuit, the opportunity to have an up-or-down vote on the floor of the Senate, which has been the custom here for over 22 years.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I would say to my friend, and the entire Senate, we have already spoken on this. There has been a vote to invoke cloture. That failed. I am confident if this comes up again, the vote will be the same. So I think that actually we are just wasting the time of the Senate, with all the many important things we have to do, and it would just be a repeat of the prior effort to invoke cloture, which failed.

So I object to my friend's request.

The PRESIDING OFFICER. The objection is heard.

#### EXECUTIVE SESSION

##### NOMINATION OF WILLIAM H. PRYOR, JR., OF ALABAMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

Mr. SANTORUM. Mr. President, I now ask unanimous consent that the Senate proceed to executive session for the consideration of Calendar No. 310, the nomination of William Pryor, to be U.S. circuit judge for the Eleventh Circuit.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SANTORUM. The clerk will report.

The legislative clerk read the nomination of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

##### CLOTURE MOTION

Mr. SANTORUM. Mr. President, on behalf of the majority leader, I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

##### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 310, the nomination of William H. Pryor, Jr., to be United States Circuit Judge for the Eleventh Circuit.

Bill Frist, Rick Santorum, Ben Nighthorse Campbell, Lindsey Graham, Norm Coleman, John Sununu, Jon Kyl, Mike DeWine, Wayne Allard, Elizabeth Dole, Pete Domenici, Mitch McConnell, Robert F. Bennett, Jeff Sessions, Michael B. Enzi, John Ensign, John Cornyn.

Mr. SANTORUM. Mr. President, I further ask unanimous consent that the live quorum provided for under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### EXECUTIVE CALENDAR

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate immediately proceed to consider the following nomination on today's Executive Calendar: Calendar No. 420. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

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

The nomination considered and confirmed is as follows:

##### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Gwendolyn Brown, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration.

##### REFERRAL OF NOMINATION—EXECUTIVE CALENDAR NO. 299

Mr. HATCH. Mr. President, I appreciate Senator COLLINS, chair of the Governmental Affairs Committee, entering into a colloquy on a matter that concerns the Judiciary Committee. In particular, our colloquy involves the nomination of Michael Garcia to be Assistant Secretary of Homeland Security. Following our statements, I will seek an unanimous consent agreement to refer Mr. Garcia's nomination to the Judiciary Committee.

All committees derive their "respective jurisdictions" from Senate Rule XXV, among other sources. As such, the Governmental Affairs Committee, in its responsibility for the "organization and reorganization of the executive branch of the Government," played a crucial role in establishing the new Department of Homeland Security. I would like to compliment Senator COLLINS on her leadership and the significant improvements that have resulted in our Nation's security since September 11.

Also, under Senate Rule XXV, the Committee on the Judiciary has jurisdiction over "immigration and naturalization." It is important for the immigration and naturalization functions which have been transferred from the Department of Justice and other law enforcement agencies to the Department of Homeland Security to remain under the jurisdiction of the Judiciary Committee.

With the formation of three new bureaus for immigration policy in the Department of Homeland Security, countless situations—from day-to-day immigration services and enforcement to long-term border security planning—will arise in which legislation affecting these bureaus and oversight of these bureaus is an essential role of the Judiciary Committee. I appreciate my colleague taking the time to clarify the confirmation process for Mr. Garcia and the commitment to Senate Rules XXI and XXVI, Section 8 as it affects the Judiciary Committee's jurisdiction.

Ms. COLLINS. I appreciate the Senator's comments, and I look forward to working with him. I would also like to

assure him that I do not believe the Governmental Affairs Committee's jurisdiction affects in any way the Judiciary Committee's jurisdiction over immigration and naturalization matters, as set forth in Senate Rule XXV. The Governmental Affairs Committee was responsible for the Homeland Security Act of 2002 which created the new Department of Homeland Security. The committee has conducted wide-ranging and vigorous oversight of the Department and, this year alone, has reported out six bills that address homeland security concerns. In total, the Governmental Affairs Committee has held over 30 hearings on homeland security matters, thus reflecting the paramount role it plays with respect to these matters.

The committee also has handled the nominations of almost all of the Department's nominees. On June 5 of this year, our committee held a hearing on Mr. Garcia's nomination. We reported his nomination to the full Senate on June 17. We then agreed to a referral of Mr. Garcia's nomination to the Judiciary Committee. I understand that my colleague, the distinguished chairman of the Judiciary Committee, now seeks a second referral of the nomination in order to complete its work thereon. I have no objection to my colleagues' request.

Mr. HATCH. I thank the chair of the Governmental Affairs Committee for her comments and efforts on this matter.

Mr. SANTORUM. Mr. President, I ask unanimous consent that Executive Calendar No. 299, the nomination of Michael Garcia, to be an Assistant Secretary of Homeland Security, be referred to the Committee on the Judiciary for a period not to exceed 30 days of Senate session, and that the Senate return to legislative session.

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

#### LEGISLATIVE SESSION

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

#### FEDERAL COURT PROCEEDINGS IN PLANO, TX

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 355, S. 1720.

The PRESIDING OFFICER. The clerk will report the title of the bill.

The legislative clerk read as follows: A bill (S. 1720) to provide for the Federal court proceedings in Plano, Texas.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. FEDERAL COURT PROCEEDINGS IN PLANO, TEXAS.**

[Section 124(c)(3) of title 28, United States Code, is amended by inserting "and Plano" after "held at Sherman".]

**SECTION 1. CHANGE IN COMPOSITION OF DIVISIONS OF EASTERN DISTRICT OF TEXAS.**

(a) *IN GENERAL.*—Section 124(c) of title 28, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking "Denton, and Grayson" and inserting "Delta, Denton, Fannin, Grayson, Hopkins, and Lamar"; and

(B) by inserting "and Plano" after "held at Sherman";

(2) by striking paragraph (4) and redesignating paragraphs (5) through (7) as paragraphs (4) through (6), respectively; and

(3) in paragraph (5), as so redesignated, by inserting "Red River," after "Franklin."

(b) *EFFECTIVE DATE.*—

(1) *IN GENERAL.*—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) *PENDING CASES NOT AFFECTED.*—This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending in the United States District Court for the Eastern District of Texas on such date.

(3) *JURIES NOT AFFECTED.*—This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving in the Eastern Judicial District of Texas on the effective date of this section.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill, as amended, be read for the third time and passed, the motion to reconsider be laid upon the table en bloc, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1720), as amended, was read the third time and passed.

**FALLEN PATRIOTS TAX RELIEF ACT**

AMENDMENT NO. 2051, AS MODIFIED

Mr. SANTORUM. Mr. President, I ask unanimous consent that notwithstanding the passage of H.R. 3365, amendment No. 2051 be modified with the technical correction at the desk.

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

The modification is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE, ETC.**

(a) *SHORT TITLE.*—This Act may be cited as the "Military Family Tax Relief Act of 2003".

(b) *AMENDMENT OF 1986 CODE.*—Except as otherwise expressly provided, whenever in this Act an amend-

**ORDERS FOR WEDNESDAY,  
NOVEMBER 5, 2003**

Mr. SANTORUM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, November 5. I further ask 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 begin a period of morning business for 60 minutes, with the first 30 minutes under the control of Senator ROBERTS or his designee and the second 30 minutes under the control of the minority leader or his designee; provided that following morning business, the Senate proceed to the consideration of H.R. 2673, the Agriculture appropriations 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, tomorrow, following morning business, the Senate will begin consideration of H.R. 2673, the Agriculture appropriations bill. The bill managers will be here in the morning to begin working through the amendments to the bill. It is the majority leader's intention to complete action on the bill during tomorrow's session. Senators who have amendments are encouraged to contact the bill managers as soon as possible.

In addition to the Agriculture appropriations bill, the Senate will also complete action on both the fair credit reporting bill and the Syria Accountability Act during tomorrow's session. Therefore, Senators should expect a very busy day tomorrow, with rollcall votes occurring throughout the day.

**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 7:58 p.m., adjourned until Wednesday, November 5, 2003, at 9:30 a.m.

**CONFIRMATION**

Executive nomination confirmed by the Senate November 4, 2003:

NATIONAL AERONAUTICS AND SPACE  
ADMINISTRATION

GWENDOLYN BROWN, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.